

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
MARCH 21, 2017
7:08 p.m.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN REBECCA M. ALESIA
COUNCILMAN LOUIS IMBROTO

N O T P R E S E N T:

COUNCILMAN CHRIS COSCHIGNANO
COUNCILWOMAN MICHELE M. JOHNSON

A L S O P R E S E N T:

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
GREGORY CARMAN, DEPUTY SUPERVISOR
JOSEPH NOCELLA, TOWN ATTORNEY
THOMAS SABELLICO, SPECIAL COUNSEL,
OFFICE OF THE TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
REGAN LALLY, ASSISTANT TOWN ATTORNEY
RALPH J. RAYMOND, DEPUTY TOWN CLERK
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS

(Appearances continued on following page.)

Minutes of the meeting
taken by:

LISA RAMIREZ
Reporter/Notary

ALSO PRESENT:

MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
JAMES McCAFFREY, DEPUTY COMMISSIONER,
DEPARTMENT OF ECONOMIC DEVELOPMENT
JUSTIN McCAFFREY, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
JOHN BISHOP, ACTING COMMISSIONER,
DEPARTMENT OF HIGHWAYS
RICHARD LENZ, COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
GEORGE BAPTISTA, JR., DEPUTY COMMISSIONER,
DEPARTMENT OF PARKS
MAUREEN A. FITZGERALD, COMMISSIONER,
DEPARTMENT OF COMMUNITY AND YOUTH SERVICES
PATRICIA A. BECKERLE, DEPUTY COMMISSIONER,
DEPARTMENT OF COMMUNITY AND YOUTH SERVICES
LESLIE MACCARONE, COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
TIMOTHY ZIKE, ACTING COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCES
FRANK SAMMARTANO, DEPUTY COMMISSIONER,
DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS
CHRISTINE M. WISS, DEPUTY COMPTROLLER
FRANK GATTO, ASSISTANT TO THE COMMISSIONER OF
GENERAL SERVICES
MAURA FAHEY, DEPUTY COMMISSIONER,
RECEIVER OF TAXES
NEIL BERGIN, COMMISSIONER,
ENVIRONMENTAL RESOURCES
MATTHEW M. ROZEA, DEPUTY TOWN ATTORNEY
ROBERT DARIENZO, DIRECTOR OF FINANCE
BRIAN DEVINE, PUBLIC INFORMATION OFFICE

1 SUPERVISOR SALADINO: Ladies and
2 gentleman, welcome to the Oyster Bay Town Board
3 meeting of March 21, 2017.

4 As always, we will be now led in
5 prayer.

6 To lead us in prayer, please welcome
7 Deacon Lynn Waldeck from Trinity Lutheran Church in
8 Hicksville. She has served as Deacon since 1997.
9 Deacon Waldeck considers Trinity as a caring family
10 where people gather to grow, worship, serve and
11 share in their Savior.

12 She said her favorite thing about
13 Trinity is its volunteers who are always there to
14 lend a hand.

15 Ladies and gentlemen, Deacon Waldeck.

16 DEACON WALECK: Thank you for having
17 me.

18 Dear Lord, we thank you for today and
19 for everyone who is here tonight. We pray this
20 evening for the Town of Oyster Bay Board meeting as
21 we work together to serve our community.

22 Guide our hearts and minds to use our
23 resources wisely, make decisions that are for the
24 good of our Town and to represent all of our
25 members.

1 Please let us be patient and fair as we
2 work through our agenda and help us to make the
3 right decisions that are for the common good.

4 Thank you for being the source of our
5 guidance today and we seek your blessings each and
6 every day.

7 In your name, we pray. Amen.

8 SUPERVISOR SALADINO: Thank you, Deacon
9 Lynn Waldeck.

10 Actually, if you'd all stay standing,
11 we now will be led in the Pledge of Allegiance by a
12 great man who keeps us quite safe on our waterways,
13 Commander Joseph Orlick of the United States Coast
14 Guard Auxiliary.

15 Commander, would you kindly lead us in
16 the Pledge?

17 (Pledge of Allegiance recited by all.)

18 SUPERVISOR SALADINO: Thank you,
19 Commander.

20 Today we have an exciting Board Meeting
21 where we will be getting much done, and we will be
22 honoring some exceptional individuals that I know
23 you're proud of, and so am I.

24 May we begin by polling the Board.

25 MR. ALTADONNA: Supervisor Saladino?

1 SUPERVISOR SALADINO: Present.

2 MR. ALTADONNA: Councilman Muscarella?

3 COUNCILMAN MUSCARELLA: Here.

4 MR. ALTADONNA: Councilman Macagnone?

5 COUNCILMAN MACAGNONE: Here.

6 MR. ALTADONNA: Councilman Coschignano

7 is absent.

8 Councilwoman Alesia?

9 COUNCILWOMAN ALESIA: Here.

10 Good evening.

11 MR. ALTADONNA: Councilwoman Johnson is

12 absent.

13 Councilman Imbroto?

14 COUNCILMAN IMBROTO: I'm here.

15 SUPERVISOR SALADINO: Thank you.

16 Two of our members have some urgent
17 family matters to attend to, but we have a forum.

18 So, today we'll be honoring and
19 welcoming some true champions, the Plainview Hawks
20 Little League Girls' Softball, 9 and 10-year-olds
21 travel team.

22 For the first time since Plainview
23 Little League was formed 63 years ago, this is the
24 first Plainview girls' softball team that has won
25 the New York State Williamsport, Section 4, East

1 Title in the 10u Division.

2 The team was led by manager Steve
3 Riegler, Coach Nick Bologna, Coach Ken Hargraves
4 and Coach Ken Crogman.

5 The success of this team was truly a
6 community effort starting with players, league
7 administrators, coaches, and last but certainly not
8 least, the ones who make it all happen for us kids,
9 a dedicated a group of very caring parents.

10 Every member of the team and their
11 coaches will receive certificates and we have
12 beautiful Town of Oyster Bay certificates to
13 present from all of the Board members including
14 Plainview's most proud member of the Town Board,
15 Lou Imbroto, who resides there, and our team of
16 very special young ladies who I know will continue
17 to show leadership each and every year, and will
18 show all of their contemporaries what it really
19 means to be a leader and a champion.

20 Our team of amazing girls' softball
21 champions consists of Alyssa Bologna, Alexandra
22 DeRosa, Sydney Ehlbaum, Jayden Finkel, Julia
23 Hargraves, Rachel Crogman, Jessica Newman, Madison
24 Stein, Alexa Hospitar, Cadence Tossone, sorry
25 Cadence. Cadence's father works with us in the

1 Town of Oyster Bay and we are very proud of him,
2 the way he's exceptionally proud of his daughter
3 Cadence; as well as Lily Taylor, Ava Liberstein
4 could not attend because she's in a basketball
5 playoff this evening, so she's continuing to show
6 great leadership.

7 And, at this point, I would -- do you
8 any comments about this, Councilman?

9 COUNCILMAN IMBROTO: I just want to say
10 that as a Plainview resident, I'm incredibly proud
11 of all the girls, and it's great to see you guys
12 bring home a championship to Town.

13 All right. So, congratulations.

14 SUPERVISOR SALADINO: If you'd all come
15 forward, the Councilman and all of our Town Board
16 have these wonderful certificates to present to you
17 and we would love to have a photo of you.

18 (Photo session.)

19 SUPERVISOR SALADINO: I missed the
20 opportunity, and I will take advantage of it now,
21 to mention that we have not only have a proud
22 member of the Plainview community in Councilman
23 Imbroto, but we actually have a Hawks mom on our
24 Town Board, and we are celebrating.

25 If Councilwoman Alesia will help to

1 hand these out.

2 (Certificates were handed out and
3 photos were taken.)

4 SUPERVISOR SALADINO: Girls, you have
5 done an amazing job. We are super proud of you.

6 We have some Town of Oyster Bay news
7 that we believe is very important to report, and
8 the first has to do with some athletes that aren't
9 afraid of any conditions.

10 This past weekend the Town of Oyster
11 Bay hosted a Polar Plunge where many of us jumped
12 into the frigid waters, and I want to take this
13 opportunity to thank all of our residences and our
14 employees and fellow folks taking the plunge for
15 taking a part in a great event at Tobay Beach.

16 The 4th Annual Town of Oyster Bay Polar
17 Plunge to benefit the Special Olympics took place
18 at Special Olympics New York. It's a very
19 important organization that sponsors and assists so
20 many incredible athletes, Olympians all who are
21 special needs who we support and love very much.
22 And I'll let you know that we truly were freezing
23 for a reason this past weekend. Over 450 residents
24 and friends took place in the plunge into the water
25 to help raise important finances money for all of

1 the athletes of the Special Olympics New York.

2 Special Olympics New York has over
3 67,162 training and competing year round in 22
4 Olympic style sports. They recognized that all of
5 these athletes and their families are never charged
6 to participate because of programs like the Polar
7 Plunge and other similar fundraisers throughout the
8 year.

9 We'll be hosting the Special Olympics
10 New York Spring games. The Town of Oyster Bay will
11 be hosting that this May, and we will be sure to
12 give you more information in the upcoming weeks.
13 Keep an eye on our Town of Oyster Bay website
14 because we will be promoting these important games,
15 and will also let you know how you can get involved
16 and help these wonderful athletes and this great
17 organization.

18 And I'd just like to point out that I
19 had fun jumping in the cold water that day and I
20 was followed by Councilman Lou Imbroto and others
21 who were there to cheer us on and who were
22 absolutely wonderful. So many employees came out
23 to be a part of this. Some there, some waiting
24 there with a warm towel in hand. And I encourage
25 all of my colleagues on the Town Board to jump in

1 with us next year.

2 In a very important recent development,
3 I want to give you a review of a situation that has
4 come up in the last few days at the Hicksville
5 parking facility.

6 Most of you know that I am brand-new to
7 the Town here, a little over five weeks as the Town
8 Supervisor, but in that time, we found out about
9 this situation and I share in the frustration of
10 our residents and I'm equally upset, as all of our
11 residents are, that this situation is happening in
12 this point and time.

13 Unfortunately, there entities out there
14 who are making this issue out to be far more
15 exaggerated, fanning the flames that is necessary,
16 and what is important is for the public to know
17 that it is safe to use the Hicksville parking
18 facility.

19 The matter was brought to my attention
20 because we have regular tours of duty of our Town
21 employees on a daily basis checking the garage.

22 Now, at this point, we believe because
23 of expansion and contraction and the weather, cold
24 weather, due to the contraction, the concrete
25 contracted and a crack or cracks in the facility

1 were noticed to have grown, so this was brought to
2 my attention and we immediately directed our new
3 Public Works Commissioner to arrange for an
4 independent engineering firm; independent of the
5 construction, independent of the facility, to
6 immediately go to the facility to assess the
7 situation there, and I have a letter from this
8 engineering firm certifying that the facility is
9 structurally sound and is safe for the public to be
10 there.

11 We had a number of companies that we
12 looked at their costs and their availability and
13 what they could do in a short amount of time and we
14 found Hirani Engineering that was the less
15 expensive of the two companies and they have the
16 equipment and the availability to get there, right
17 there.

18 We started the process on Friday. They
19 were there throughout the weekend. They shored up
20 the facility as to stabilize the cracks in the
21 ceiling, and also one of the most important things
22 -- safety first obviously, but they are preparing a
23 report for the Town to determine exactly why it
24 happened and what the fix is, and this is very
25 important because this report will speak to the

1 responsible parties so that we can ensure every
2 step possible to not only protect the public but
3 protect the taxpayers through this process of
4 repairs.

5 So, we immediately moved to make sure
6 the necessary repairs were made to shore up the
7 concrete decks at a time that would be least
8 inconvenient to the public; in this case,
9 throughout the weekend.

10 When Monday morning rolls around, the
11 facility was open, safe, and a total of 78 parking
12 spots were taken up for this shoring up of the
13 columns.

14 We are in the process of retaining more
15 parking spaces, also walking distance from from the
16 railroad station so that our residents will have a
17 place to park overflow of the parking facility, and
18 people can look to our Town website to determine
19 those locations going forward.

20 So, we are now minimizing the
21 inconvenience to our residents and we apologize for
22 any inconvenience, but, obviously, safety must come
23 first. I'm very proud of our workforce for how
24 quickly they responded, how quickly they got a
25 company in there to not only certify that the

1 facility is safe for our residents, to shore up and
2 stabilize those decks, and to prepare an
3 independent report that will give us the data to
4 get this resolved once and for all the right way,
5 and that we're going to ensure that out property
6 taxpayers are protected at every turn on this
7 project.

8 On the issue of protecting our public,
9 I'm hoping -- I'm sure you all do -- that we're
10 officially done with snow for our season, but I
11 want to thank not only our residents, but our Town
12 of Oyster Bay employees for once again pulling
13 together to take on a snow removal operation that
14 was absolutely sensational. Thank God it turned
15 out to be much less, but it was still a challenge
16 with the ice and the rain and the heavy snow that
17 was created.

18 Our workforce is phenomenal, and once
19 again they proved that working with the drivers
20 from Sanitation, from Highway, quite frankly from
21 all the departments who came together to move the
22 snow to make sure our roads were safe. And our
23 residents were also wonderful getting their cars
24 off the roads, their cooperation. People from all
25 those departments pitched in and they did an

1 amazing job, and I believe it was the best snow
2 removal operation of any municipality on Long
3 Island. I'm very proud of that. Let's give our
4 workforce and our residents a big hand.

5 I especially want to thank Commissioner
6 Rich Lenz and John Bishop and all of the leaders of
7 every department who made such a difference in
8 making sure that our residents were safe and doing
9 it properly.

10 If you love Tobay as much as we do; I
11 know I love Tobay; I grew up there, it is a
12 beautiful beach and it is clearly one of the jewels
13 of our town. If you want to help to ensure that
14 our beaches and environment remains as beautiful as
15 ever and remains protected, then we want to invite
16 the public to join us this Saturday morning at the
17 Town of Oyster Bay's Annual Tobay Beach Dunes
18 Stabilization Project.

19 It's scheduled for this Saturday,
20 March 25th, beginning at 10:00 a.m., and it's a
21 great opportunity to pitch in with your groups,
22 with your kids, your family, your friends, your
23 neighbors to help to stabilize our beaches by
24 planting dune grass, and everyone who takes part in
25 this is a true hero just like our celebrity hero

1 who will be joining us, and that's the New York
2 Islanders, Legend Bob Nystrom, affectionally known
3 as Mr. Long Island will there as a volunteer to
4 pitch in to help promote, to help to protect our
5 beautiful environment, and he'll be on hand to
6 support this effort along with many concerned
7 volunteers who quite frankly do a great job every
8 year.

9 The participants could look forward to
10 a lot of fun, and students will receive a
11 certificate recognizing their community service,
12 and that's helpful not only for school, but for
13 scouting and all the different endeavors they're
14 involved in.

15 Everyone can look forward to a free
16 commemorative T-shirt, also free coffee, hot
17 chocolate, delicious clam chowder -- worth the trip
18 just for the clam chowder -- and other refreshments
19 thanks to our many fine sponsors who donate all
20 these items.

21 And I can tell you once the planting is
22 done, you'll leave with a good feeling that comes
23 from knowing that you have performed an invaluable
24 environmental service to the beach and to our
25 community.

1 Those of us have studied Long Island's
2 topography and geography know that the barrier
3 islands are the last line of defense that protects
4 us, and knowing very well the communities who were
5 so battered by the worst storm to ever hit the
6 United States in Super Storm Sandy. We know the
7 importance of having a very healthy and vibrant
8 beach and dune system to also protect the mainland.
9 So if any of our residents are interested in
10 volunteering, you can visit our website
11 www.oysterbaytown.com or our Town of Oyster Bay
12 Facebook page.

13 And, finally, another very important
14 announcement and that's our tolerance rally. As
15 I've stated so many times intolerance will not be
16 tolerated in the Town of Oyster Bay. There is no
17 room for hate in our communities. This is a very
18 important project that was brought to us by
19 Councilwoman Rebecca Alesia when she brought this
20 to our attention, because, once again, there have
21 been the signs of intolerance way too many times.
22 We've seen it as graffiti in parks, there's been
23 some bomb threats, very serious, very serious marks
24 of hate. On the internet, the hate continues.
25 Well, we will stand up to hate in our communities,

1 and that's why we will be joining with the
2 Plainview community to recognize the importance of
3 true tolerance and working to that goal by
4 developing and organizing this rally coming up this
5 Saturday. The rally is scheduled for 3:00 p.m. at
6 the Town of Oyster Bay's neighborhood park located
7 on Old Country Road and Gerhard Road, and be sure
8 to just to do that.

9 Councilwoman, would you like to add
10 anything to this important program?

11 COUNCILWOMAN ALESIA: I think you
12 really, already hit on all the highlights,
13 Supervisor.

14 And this really wasn't -- although I
15 was a conduit, it certainly wasn't brought to your
16 attention by me. There was a concerned Plainview
17 mom -- it always a Plainview mom -- who brought it
18 to my attention that there had been some -- another
19 bout of rather disturbing hate speech that went on
20 last weekend in the Plainview community, and she
21 really wanted to organize something to speak out
22 against it. So, I just knew that the Town would get
23 behind her, get behind their efforts, and so we're
24 looking forward to, just as you said, a great
25 community gathering showing that there's no room

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for hate in Oyster Bay.

(TIME NOTED: 7:31 p.m.)

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
MARCH 21, 2017
7:32 p.m.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

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1 SUPERVISOR SALADINO: Thank you, and
2 having had a chance to make these announcements on
3 our public hearings, I will -- on our public
4 programs that we're doing here, I will ask the
5 Clerk, being there are no hearings, to please call
6 the Action Calendar for today's Board meeting.

7 MR. ALTADONNA: Thank you, Supervisor.
8 May I have a motion to adopt Resolution
9 No. P-7-17?

10 Personnel Resolution No. P-7-17;
11 Resolution pertaining to personnel of various
12 departments within the Town of Oyster Bay.

13 On the motion?

14 COUNCILMAN MUSCARELLA: So moved.

15 COUNCILMAN MACAGNONE: Second.

16 TOWN CLERK: Motion made by Councilman
17 Muscarella; seconded by Councilman Macagnone.

18 Supervisor, we have one speaker on P-7;
19 I believe that's Bob Freier.

20 SUPERVISOR SALADINO: Mr. Freier,
21 please approach the dais and state your name and
22 address.

23 MR. FREIER: Just for this particular
24 one, not the other one?

25 I put in for another one, too.

1 MR. ALTADONNA: We are calling for this
2 one separately. You will be called up for the
3 otherone.

4 MR. FREIER: Hi.

5 Bob Freier, 33 Chestnut Lane, Woodbury,
6 New York.

7 Just real quick on the Personnel
8 Resolutions, could you provide the names and what
9 the jobs are? Are there promotions, are these new
10 hires, et cetera?

11 SUPERVISOR SALADINO: We have two
12 people who are being moved into titles that reflect
13 their current responsibilities.

14 Because of the law, the change of title
15 does require a slight bump up in salary for one of
16 them, and for the remainder of the year that amount
17 is just a little over \$600.

18 MR. FREIER: Okay.

19 Could you say who the personnel are.

20 SUPERVISOR SALADINO: I am going to
21 ask, is Vicki here at this time?

22 Vicki, are we required to name our
23 employees at the public hearing?

24 MS. SPINELLI: I'll refer to counsel.

25 MR. NOCELLA: Well, Mr. Supervisor,

1 until such time that action is taken, the protocol
2 is not to disclose the name.

3 SUPERVISOR SALADINO: Okay. Thank you.

4 MR. FREIER: Once it's voted on, you
5 can disclose the names?

6 MR. NOCELLA: Yes, that would be fine.

7 SUPERVISOR SALADINO: Okay.

8 MR. FREIER: After the vote, would you
9 be find enough to do that?

10 SUPERVISOR SALADINO: Thank you.

11 MR. FREIER: Is that a yes?

12 SUPERVISOR SALADINO: Thank you for your
13 opinion and thank you for your testimony.

14 MR. ALTADONNA: Supervisor, on the
15 vote?

16 SUPERVISOR SALADINO: "Aye."

17 MR. ALTADONNA: Supervisor Saladino
18 votes "Aye."

19 Councilman Muscarella?

20 COUNCILMAN MUSCARELLA: "Aye."

21 MR. ALTADONNA: Councilman Macagnone?

22 COUNCILMAN MACAGNONE: "Aye."

23 MR. ALTADONNA: Councilman Coschignano
24 is absent.

25 Councilwoman Alesia?

1 COUNCILWOMAN ALESIA: "Aye."

2 MR. ALTADONNA: Councilwoman Johnson is
3 absent.

4 Councilman Lou Imbroto?

5 COUNCILMAN IMBROTO: "Aye."

6 MR. ALTADONNA: Motion to adopt
7 Resolution P-7-17 passes with five "Ayes."

8 Okay, Supervisor, we're going to remove
9 from the table a Resolution that was tabled in
10 February, so can I have a motion to remove
11 Resolution 94-2017 from the table which was tabled
12 on February 14, 2017?

13 On the motion?

14 COUNCILMAN MUSCARELLA: So moved.

15 COUNCILMAN MACAGNONE: Second.

16 MR. ALTADONNA: Motion by Councilman
17 Muscarella; seconded by Councilman Macagnone.

18 On the vote, Supervisor Saladino?

19 SUPERVISOR SALADINO: "Aye."

20 MR. ALTADONNA: Councilman Muscarella?

21 COUNCILMAN MUSCARELLA: "Aye."

22 MR. ALTADONNA: Councilman Macagnone?

23 COUNCILMAN MACAGNONE: "Aye."

24 MR. ALTADONNA: Councilman Coschignano
25 is absent.

1 Councilwoman Alesia?

2 COUNCILWOMAN ALESIA: This is to remove
3 from the table, not on a vote?

4 MR. ALTADONNA: That's correct.

5 COUNCILWOMAN ALESIA: "Aye."

6 MR. ALTADONNA: Councilwoman Johnson is
7 absent.

8 Councilman Imbroto?

9 COUNCILMAN IMBROTO: "Aye."

10 MR. ALTADONNA: Motion to remove
11 Resolution 94-2017 from the table passes with five
12 "Ayes."

13 May I have a motion to adopt Resolution
14 No. 94-2017?

15 On the motion?

16 COUNCILMAN MUSCARELLA: So moved.

17 COUNCILMAN MACAGNONE: Second.

18 MR. ALTADONNA: Motion made by
19 Councilman Muscarella; seconded by Councilman
20 Macagnone.

21 Supervisor, you have a speaker on this
22 item as well.

23 Philip Healey.

24 SUPERVISOR SALADINO: Philip Healey.

25 (Inaudible chatter.)

1 SUPERVISOR SALADINO: He is speaking on
2 144.

3 MR. ALTADONNA: Paul Molinari.

4 SUPERVISOR SALADINO: Okay.

5 Paul Molinari, please.

6 MR. MOLINARI: Good evening,

7 Mr. Supervisor and Town Board members.

8 I'm in favor of this going forward with
9 this contract regarding the Town's commitment to
10 the residents who had signed up for sidewalk
11 replacement; however, when I looked, if I recall
12 correctly, it's almost \$4,000,000, and you know,
13 I'm in favor of this, but I went into the budget --
14 this is a more of criticism on the budget -- I
15 could not -- I went through the whole 190 pages
16 again, I couldn't locate this item, and I just want
17 to make that point; that the budget has to be a lot
18 clearer on how things are identified. But also, I
19 wanted to raise the question on this since this is
20 a \$4,000,000 contract, what does the Town expect to
21 receive back on revenues from the residents? You
22 know, the residents are paying \$100 a square, so
23 I'm just interested in what, how much the residents
24 -- the Town is going to get back and what's the net
25 cost of this contract?

1 SUPERVISOR SALADINO: Certainly,
2 Mr. Molinari.

3 Will John Bishop please stand up?

4 Sir, if you'd like to take a seat in
5 the front row in case you have any follow-up
6 questions, we would be happy to get them answered
7 for you.

8 MR. BISHOP: Good evening, Supervisor
9 and Town Board.

10 It's about 1.4 million will be
11 generated in revenue from the residents.

12 COUNCILMAN MACAGNONE: So, basically, a
13 quarter of the monies?

14 MR. BISHOP: Yes, 1.4 million, yes, is
15 what we received from the revenue.

16 MR. MACAGNONE: And that's exactly what
17 we're doing away with from this program, correct?

18 MR. BISHOP: Correct.

19 SUPERVISOR SALADINO: And in this
20 particular case we have a situation where we looked
21 for an outside contract on this to determine if it
22 was a cost savings?

23 MR. BISHOP: Yes.

24 SUPERVISOR SALADINO: And how did that
25 relate when you put that up against what it would

1 cost our own employees to do this with time and
2 materials?

3 MR. BISHOP: Where this gets done
4 within a year, it would take us two years or more,
5 and an additional \$2,000,000.

6 SUPERVISOR SALADINO: An additional
7 \$2,000,000?

8 MR. BISHOP: Yes.

9 SUPERVISOR SALADINO: So this was the
10 least expensive way that we could possibly do this?

11 MR. BISHOP: Yes.

12 SUPERVISOR SALADINO: Thank you.

13 Mr. Molinari, do you have any other
14 questions?

15 MR. MOLINARI: No.

16 SUPERVISOR SALADINO: Thank you.

17 MR. ALTADONNA: Up for a vote,
18 Supervisor?

19 SUPERVISOR SALADINO: Yes, please.

20 MR. ALTADONNA: Supervisor Saladino?

21 SUPERVISOR SALADINO: "Aye."

22 MR. ALTADONNA: Councilman Muscarella?

23 COUNCILMAN MUSCARELLA: "Aye."

24 MR. ALTADONNA: Councilman Macagnone?

25 COUNCILMAN MACAGNONE: "Aye."

1 MR. ALTADONNA: Councilman Coschignano
2 is absent.

3 Councilwoman Alesia?

4 COUNCILWOMAN ALESIA: I just want to
5 echo, it's funny what Mr. Molinari said what he
6 did. I really want to echo his sentiment. I was
7 struggling with this. I think it's just an awful
8 lot a money after everything that we've been
9 through, but on the other hand, not a day goes by
10 in my office that we don't receive a call from
11 someone who is waiting for their sidewalk work to
12 be completed and I know we're phasing out that
13 program, but we do have a pipeline, so sorry for
14 the additional narrative, but I just wanted to let
15 you know, that while I have mixed feelings, I'll
16 vote "Aye."

17 MR. ALTADONNA: Councilwoman Johnson is
18 absent.

19 Councilman Imbroto?

20 COUNCILMAN IMBROTO: "Aye."

21 MR. ALTADONNA: Motion to adopt
22 Resolution No. 94-2017 passes with five "Ayes."

23 We have a motion to table Resolutions
24 No. 126-2017 and 130-2017.

25 On the motion?

1 COUNCILMAN MUSCARELLA: So moved.

2 COUNCILMAN MACAGNONE: Second.

3 MR. ALTADONNA: Motion made by
4 Councilman Muscarella; seconded made by Councilman
5 Macagnone.

6 On the vote, Supervisor Saladino?

7 SUPERVISOR SALADINO: "Aye."

8 MR. ALTADONNA: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: "Aye."

10 MR. ALTADONNA: Councilman Macagnone?

11 COUNCILMAN MACAGNONE: "Aye."

12 MR. ALTADONNA: Councilman Coschignano
13 is absent.

14 Councilwoman Alesia?

15 COUNCILWOMAN ALESIA: "Aye."

16 MR. ALTADONNA: Councilwoman Johnson is
17 absent.

18 Councilman Imbroto?

19 COUNCILMAN IMBROTO: "Aye."

20 MR. ALTADONNA: Motion to table
21 Resolution No. 126-2017 and 130-2017 passes with
22 five "Ayes."

23 May I have a motion to adopt Resolution
24 No. 126-2017 through 148-2017, noting that
25 Resolution 126 and Resolution 130 were tabled.

1 On the motion?

2 COUNCILMAN MUSCARELLA: So moved.

3 COUNCILMAN MACAGNONE: Second.

4 MR. ALTADONNA: Supervisor, we have
5 speakers on 127, 132, 138, 144 and 147.

6 SUPERVISOR SALADINO: 145 as well.

7 145, John Kenna of Bethpage.

8 MR. KENNA: Good evening.

9 John Kenna, 33 William Street in
10 Bethpage.

11 We are here -- a couple of my neighbors
12 and my wife and I are here just to keep monitoring
13 the RW-20 and RW-21 well process to make sure
14 everything we feel is in order. I know Arcadis is
15 here and I know Northrop Grumman is here. We just
16 want to make sure that you see us here, that you
17 know we're still involved in this.

18 And, my question, I have a question
19 about the list of covenants that was discussed the
20 last meeting, and I haven't received a copy of it
21 but Rich Little said he'll get it to me tomorrow,
22 that everything was signed, and the -- 145 is, the
23 way I understand it, is for testing of the Arthur
24 Avenue basin and the surrounding area for the
25 irrigation well and the process; we understand that

1 that's -- they want to -- Arcadis and Northrop
2 Grumman want to put that water, remediated water,
3 into the Arthur Avenue basin. We've been down here
4 before. We're talking about 3,000,000 plus gallons
5 of water a day going in there. I don't know what
6 their testing is going to result in, but we would
7 just like your DPW personnel to explore another
8 process, or if there's an advanced process or some
9 other way to return that discharged water into the
10 aquifer other than just dumping it into a remedial
11 well, if there's different technology.

12 COUNCILMAN MACAGNONE: Every day it's
13 improving.

14 MR. KENNA: That's -- that's -- this is
15 the easiest and the cheapest way. I just want to
16 have it explored if there's another way to make it
17 work.

18 SUPERVISOR SALADINO: Sir, let's
19 explore that right now.

20 Would Commissioner Lenz please step
21 forward?

22 Thank you, sir.

23 MR. KENNA: Thank you.

24 SUPERVISOR SALADINO: Commissioner
25 Lenz, can you speak to us about, first of all, the

1 covenants and the agreements?

2 Last time we visited this with RW-20
3 and now with RW-21, and I know I've recommended to
4 you, and I've assured the community that we will do
5 everything possible to protect the community. Many
6 confidence that would bring them extra protections
7 that would be removing the liability from the
8 residents, removing the liability from the Town and
9 providing the Town with oversight.

10 As you and now the residents know, I've
11 been working on this issue for fourteen years, and
12 in terms of getting the entire Grumman Navy plume,
13 hydraulically contained and remediated, we finally
14 have Governor Cuomo on board and the State will be
15 utilizing some super fund monies, we force them to
16 pay up for our water districts, including in
17 Bethpage, and we won't tolerate pushing all of the
18 costs on the taxpayers through the water districts.

19 I know my colleagues on the Town Board
20 all share my great concerns and my motivation to
21 ensure that we get this plume cleaned up.

22 Can you speak to the issues that were
23 brought up and the assurances that the residents
24 deserve?

25 COMMISSIONER LENZ: Yes, I can.

1 As we said, we met the last Town Board
2 meeting and that was to vote on RW-20 and the
3 covenants and agreements that were attached to
4 that.

5 Today's Resolution is to approve them
6 to do soil monitoring and also surveying. This is
7 for the treatment plant area. This is not the
8 well. The well has already been approved. This is
9 for the treatment area and also for the recharge.

10 This does not mean that we have
11 approved that. That means we're allowing them to
12 study the area. In the future, there will be
13 additional meetings set up with Northrop Grumman
14 and Arcadis to then study further on the location
15 that they're going to actually use and the types of
16 treatment that's going to be taken care of.

17 SUPERVISOR SALADINO: Thank you.

18 Can you also speak to the effectiveness
19 of the design that you studied?

20 COMMISSIONER LENZ: We -- they haven't
21 really gone into the design itself yet. That's not
22 what we approved.

23 SUPERVISOR SALADINO: I meant the
24 utilization of the basins, the utilization of the
25 property.

1 COMMISSIONER LENZ: There's other ways
2 -- sorry, Supervisor. I didn't mean to step over
3 you.

4 There's other ways of looking into
5 different recharges. That's something we have to
6 talk with Northrop Grumman. We have not discussed
7 that yet. As we said -- as you had mentioned
8 earlier, we're kind of new to this; meaning that
9 I'm a new employee. I've only been here a couple
10 of weeks.

11 SUPERVISOR SALADINO: But you have been
12 working with Grumman Navy plume and other --

13 COMMISSIONER LENZ: This whole time.

14 So what I'm saying is -- is we have
15 done this step approach. We have approved the
16 well. We've looked into it and we approved the
17 well. We have approved the drilling. They have now
18 gotten permission to have utilities moved and
19 things like that, so we are progressing and moving
20 ahead very fast. But at the same time while we're
21 doing the well and looking into that, we're also
22 looking into the other treatment that will be
23 taking place in the future, so we have not really
24 approved that yet. We have to look into it.

25 SUPERVISOR SALADINO: In your

1 conversations with Arcadis, do they fully
2 understand that we have the ultimate oversight over
3 this project?

4 COMMISSIONER LENZ: Yes, they do.

5 SUPERVISOR SALADINO: Do they
6 understand that they must adhere to all of the
7 conditions and covenants?

8 COMMISSIONER LENZ: Yes, they do.

9 SUPERVISOR SALADINO: And do they
10 understand that protecting the safety and the
11 lifestyle of our residents, protecting their peace,
12 protecting all of their issues is of utmost
13 importance?

14 COMMISSIONER LENZ: They understand
15 that also, yes, and they're moving to make sure
16 that all the residents are taken care of in this
17 troubled times. Yes, sir.

18 COUNCILMAN MACAGNONE: Excuse me,
19 Commissioner, we are going to have our people in
20 the street making sure everything is set up, site
21 safety and everything else to go by.

22 COMMISSIONER LENZ: Yes, we are.

23 COUNCILMAN MACAGNONE: If not, they're
24 going to report directly to you?

25 COMMISSIONER LENZ: Yes, absolutely.

1 Yes, sir.

2 COUNCILMAN MACAGNONE: Thank you,
3 that's all I needed to hear.

4 SUPERVISOR SALADINO: Are there any
5 other questions on this issue?

6 This is not the last we'll be speaking
7 of this. We're going to continue to push for the
8 remediation of these hot spots. We're going to
9 continue to push for the remediation of the entire
10 plume.

11 We've spoken with the Governor's
12 office, the DEC, we've met with the New York State
13 Commissioner of Health and the Commissioner of the
14 DEC and that they, too, are going full speed ahead
15 to make sure that we resolve this once and for all
16 and that we build an infrastructure to fully
17 remediate this plume.

18 All of my colleagues join me in this.
19 We are taking the lead approach as we've done for
20 years, not only in the hot spots that you worked on
21 in Nassau County quite frankly, in the upper
22 glacial aquifer, but also the Magothy.

23 We realize the importance of making
24 sure of residents' health and safety comes first,
25 and we are going to continue to do that. And this

1 is a loud and clear message to Arcadis and to
2 Grumman that this is our number one priority, that
3 our drinking water is something that can't be
4 shortcut and that full remediation of these plumes
5 must be accomplished, and full remediation in a way
6 that respects all of the rights of our residents in
7 our Town must be accomplished, and we're going to
8 continue to watch over this like hawks to ensure
9 that it's done fully, it's done properly and that
10 our residents are protected, and you realize that
11 that's your mission on this?

12 COMMISSIONER LENZ: Yes, sir.

13 One of the things I failed to mention
14 earlier also was the fact that we are working with
15 Northrop Grumman and Arcadis on setting up a
16 schedule for the well drilling. As soon as we
17 finalize everything, we will get with the community
18 and meet with them again and explain what the
19 schedule is going to be so that they're aware of
20 it.

21 SUPERVISOR SALADINO: Good. And it's
22 not only --

23 (Inaudible chatter.)

24 SUPERVISOR SALADINO: I just want to add
25 that it's not only the TCE and PCE that wants to be

1 remediated, the one for dioxin and for radon and
2 any other issues in our ground water. We are
3 looking for a full remediation of this plume, as
4 quite frankly I've been calling for, including the
5 legislation that we passed some four years ago
6 that's led to this day.

7 The DEC will be conducting -- a new
8 study is beginning that now, and we must ensure
9 that that leads us to the infrastructure to get
10 built and to finally get this plume entirely
11 hydraulically contained and remediated, not only in
12 the upper glacial, but most importantly in the
13 Magothy Aquifer without having to rely on well head
14 treatment, which we know is not as full a
15 remediation as the full containment.

16 COMMISSIONER LENZ: That's right,
17 Supervisor.

18 COUNCILMAN MACAGNONE: And the work
19 hours are going to be conducive to the residents?
20 We are not going to --

21 COMMISSIONER LENZ: Yes, that was
22 something that approved -- I'm just drawing a blank
23 -- I think we agreed to 8:00 to 5:00.

24 COUNCILMAN MACAGNONE: Excellent, thank
25 you.

1 COMMISSIONER LENZ: But it was agreed
2 to with the residents.

3 I'm sorry, there's two different times
4 and that's what's floating in my head. I think
5 it's definitely --

6 COUNCILMAN MACAGNONE: Commissioner,
7 thank you.

8 SUPERVISOR SALADINO: Commissioner, one
9 last question, very important.

10 We have an end date that construction
11 must be concluded by?

12 COMMISSIONER LENZ: We are looking to
13 have the construction of the well done before the
14 end of the Summer, before all the students are out
15 from school. And that's -- then also, also, not
16 only the well, but also the piping along that
17 street.

18 SUPERVISOR SALADINO: So the streets
19 will be closed and back to normal activities for
20 these families?

21 COMMISSIONER LENZ: During the
22 Summertime, yes. And when -- while -- when that is
23 done, then we'll also be doing the other -- looking
24 into the other area where we can take care of the
25 treatment plant and also the recharger

1 SUPERVISOR SALADINO: And that was the
2 same for RW-20 as well?

3 COMMISSIONER LENZ: Yes.

4 SUPERVISOR SALADINO: A meeting that we
5 had with the residence who were very gracious and
6 spent a lot of time with us to make sure that we
7 are holding Arcadis and Grumman, their feet to the
8 fire, to get this done quickly, properly and get it
9 done so that these residents can get back to a
10 normal lifestyle and have a piece of mind?

11 COMMISSIONER LENZ: That's right.

12 SUPERVISOR SALADINO: And you will be
13 in charge of that oversight each and every day?

14 COMMISSIONER LENZ: Yes, sir.

15 SUPERVISOR SALADINO: Please give it
16 your highest priority as all of the Board members
17 give it our highest priority.

18 COMMISSIONER LENZ: I promise I will,
19 Supervisor.

20 SUPERVISOR SALADINO: Thank you, Rich.
21 Our next speaker, Shinu Chacko of
22 Plainview on 147.

23 MR. CHACKO: Shinu Chacko, 11 Birch
24 Drive, Plainview, New York.

25 I don't know if you know but I'm the

1 one that sent you guys the e-mail this morning
2 saying my concerns about the Hicksville parking
3 garage today.

4 When I went down there, I saw cracks
5 that I could fit my hand into practically one-inch
6 wide and it concerned me as a resident, and it
7 concerned my as an engineer too, so that's why I
8 immediately notified you guys with regards to that.

9 You have that report over there. If
10 you don't mind, I'd like to take a look at that and
11 see who signed off on that.

12 SUPERVISOR SALADINO: It's signed by a
13 Leonard Lasalla, professional engineer, Vice
14 President of Engineering at Hirani Engineering and
15 Land Surveying.

16 I'll be happy to allow you to take a
17 look.

18 MR. CHACKO: Please, I'd like to see
19 that.

20 SUPERVISOR SALADINO: Just so you know
21 the Town of Oyster Bay has been visiting this site
22 on a daily basis, and we thus far, believe that the
23 increase size of the cracks is due to the
24 contraction due to cold weather; although, we're
25 reserve the decision, obviously, to let the experts

1 to confirm why this is taking place.

2 MR. CHACKO: That's fine by me.

3 Now, what I want to do -- what I want
4 the Town to go through is once they find who is
5 responsible for this, I want the Town to go back
6 and say we need to get our money back for this.

7 Was it the engineer or was it the
8 contractor?

9 SUPERVISOR SALADINO: Mr. Chacko, we are
10 already on top of this.

11 MR. CHACKO: You're holding Grumman
12 responsible for something they did over twenty,
13 thirty years ago.

14 We should hold whoever was responsible
15 for this garage.

16 SUPERVISOR SALADINO: We're already on
17 top of this. I appreciate your concern and I
18 appreciate your frustration, because I, too, and
19 the Board members feel just as frustrated.

20 I'm brand-new to this Town and to see
21 this sort of thing is very disturbing to me.
22 That's why we sprang into action immediately and
23 grabbed the bull by the horns immediately to get a
24 company in there to certify that it is safe for the
25 public because safety is first and foremost, to

1 shore up those cracks so that we stabilize the
2 shifting and get that done over the weekend so that
3 when the traffic began, when the commuters arrived
4 first thing on Monday morning, this was in place
5 and they were not able to park their cars
6 underneath it where those particles of concrete
7 were coming down on their cars.

8 In addition, we have held alerts to the
9 press and have communicated with the public, we put
10 the information on the Town website and we've let
11 the public know that our Town Attorney has the
12 mission of helping anyone who has damage to their
13 vehicle through the process so it's not an
14 adversarial situation.

15 MR. CHACKO: Not a problem at all,
16 Supervisor, but just so you know for the facts, the
17 shoring was not done as of Monday. There were
18 trucks there this morning, and I saw it for myself,
19 installing additional shoring today, just so you
20 know.

21 SUPERVISOR SALADINO: I think what
22 you're meaning to say was that it wasn't all
23 completed.

24 MR. CHACKO: Exactly.

25 SUPERVISOR SALADINO: Okay.

1 MR. CHACKO: Exactly.

2 And we're continuing to do that. We're
3 on top of this. We have taken the front position
4 of grabbing the bull by the horns and making sure
5 this gets fixed and making sure that we're
6 protecting the taxpayers at every stage of the
7 game, and I'm hoping that we'll continue to see you
8 to give you updates at each and every opportunity
9 to let you know where we're at on this, how we're
10 fixing it and how the resolution of this is full,
11 is proper, is transparent, and that it's not done
12 in a way that unduly costs our taxpayers. The
13 responsible parties will take responsibility for
14 this, and that we've ensuring.

15 MR. CHACKO: Thank you.

16 That's all I wanted to know.

17 SUPERVISOR SALADINO: Thank you very
18 much.

19 Kevin McKenna?

20 MR. McKENNA: Good evening, Town Board.

21 SUPERVISOR SALADINO: Mr. McKenna, would
22 you please state your name and address?

23 MR. McKENNA: 3 Edna Drive, Syosset,
24 New York.

25 I am going to stay on the same -- I

1 wrote down the wrong resolution. I'd like to stay
2 on that item that Shinu was just talking about.

3 Mr. Supervisor, you mentioned that
4 you're new. Let me just make you aware of
5 something that maybe you're not aware of, but I'd
6 be surprised. I've gotta believe that you are
7 aware of it.

8 This conversation that we're having
9 right now about the parking garage is not new. A
10 few months ago when Supervisor Venditto was here,
11 there was a whole discussion about this parking
12 garage problem back then.

13 As a matter of fact, if my memory
14 serves me correct, Sidney Baum who was part of the
15 original I think the design, as one of the
16 contractors on the project, I think there was a
17 Resolution that might have been voted on expending
18 money back then to make the repair back then.

19 Could any of the Board members who have
20 been here, could you elaborate on why that didn't
21 take place back then?

22 MR. MACAGNONE: I think that was
23 tabled, that Resolution.

24 MR. McKENNA: Right, it was tabled, so
25 I guess my question is with the seriousness of this

1 matter, why did we wait for this?

2 Mr. Supervisor, have you personally
3 driven into the garage? I'm just curious. Have
4 you seen it personally?

5 SUPERVISOR SALADINO: Multiple times.

6 MR. McKENNA: No.

7 Recently?

8 SUPERVISOR SALADINO: Multiple times,
9 including today.

10 MR. McKENNA: It's really scary.

11 SUPERVISOR SALADINO: Well, that's why
12 we've taken the -- you can use your time any way
13 that you'd like, but that's why --

14 MR. McKENNA: Well, let me continue.
15 I'm losing time.

16 SUPERVISOR SALADINO: That's why we
17 hired this engineering firm, Hirani Engineering.

18 MR. McKENNA: You already said that.

19 SUPERVISOR SALADINO: They are the
20 experts.

21 MR. McKENNA: I'm just saying that --

22 SUPERVISOR SALADINO: I want to relieve
23 you because I know you're afraid of this --

24 MR. McKENNA: Yeah, I know. I know
25 what you're about to say, but I don't want to hear

1 about the letter again.

2 MR. ALTADONNA: Excuse me, for the
3 record, please let him speak.

4 MR. McKENNA: You're saying it's my
5 time.

6 SUPERVISOR SALADINO: You just asked me
7 a question.

8 MR. McKENNA: Yeah. Well, I know, but I
9 don't want to hear about the letter again.

10 SUPERVISOR SALADINO: Okay. Then you
11 can hear about the experts --

12 MR. McKENNA: Let me just say.

13 SUPERVISOR SALADINO: -- that found it
14 to be safe. You can park your car in there and
15 know that it is structurally sound.

16 MR. McKENNA: I understand that,
17 Supervisor, but I don't buy it. I don't buy it,
18 because I don't see -- I think that -- I think that
19 you should take into account that just because an
20 engineer, who you don't know from a hole in the
21 wall because you had mentioned earlier you hired
22 this company for the first time, I think you said
23 that --

24 SUPERVISOR SALADINO: No, I didn't say
25 that.

1 MR. McKENNA: -- that doesn't mean that
2 the engineer can't be wrong. Okay?

3 How is anyone supposed to know for sure
4 whether that building can collapse? You really
5 don't know for sure. Okay. I understand and I
6 appreciate the fact that you have an engineer's
7 signature and all that, but that is not any
8 guarantee to the public.

9 I just want to bring to your attention
10 that Newsday did an article in Newsday over the
11 past few days about this, and I know you're all
12 very, very busy. There's been a lot of comments
13 that have been put on to that Newsday site -- not a
14 Facebook site -- the Newsday site as it relates to
15 the fact that this is not new.

16 These are people who are making
17 comments on the Newsday site that have been parking
18 there, that have had damage over the past year.
19 Someone said that the Town has had numerous claims
20 and reimbursements, so this is not a new problem.
21 I just don't understand why you're basically
22 waiting for the building to fall down, and in
23 defense of you, Mr. Supervisor, this was to the
24 attention of not only the prior Supervisor, but the
25 prior departments that handled this. The new

1 person in the job doesn't cut it because there's
2 hundreds of people in this Town that have been
3 involved in this in the past.

4 Why has this ball been dropped?

5 And lastly --

6 MR. SALADINO: If you want things
7 addressed --

8 MR. McKENNA: I'd like to know the
9 answer to the question --

10 MR. SALADINO: If you want things
11 addressed, I'm happy to do that.

12 Are you done with your presentation or
13 do you have more testimony?

14 MR. McKENNA: Well, I have one other
15 Resolution.

16 Lastly, being that Sidney Baum was part
17 of the Resolution that was tabled, and being that
18 Sidney Baum was given millions and millions of
19 dollars in the original design of this project
20 along with a few other firms, which the names
21 escapes me, you know, you said that you're taking
22 care of it. We should be really be going to the
23 Sidney Baums and the companies that are involved in
24 this and they should be paying for anything that
25 has to do with the -- with the monies that are

1 being spent on this.

2 They made all these monies in my
3 opinion, purposely -- and this is just my opinion
4 -- purposely using inferior, low cost products in
5 order to increase their profit. And in case you're
6 not aware of it, this is déjà vu. This exact
7 situation happened six to eight years ago. The
8 original parking garage that was built had to be
9 demolished for the same reasons that this is
10 happening now, so if the same people were involved
11 in the first one, that we're involved with -- it
12 all makes sense. I just hope that you're going
13 back at the Sydney Baums of the world and getting
14 them to pay for this. That's all.

15 The other one that I have is Resolution
16 No. 144, has to do with the announcement that was
17 just made about expanding and renovating a park
18 over in Massapequa.

19 Again, this was in Newsday, and
20 comments, just so you're aware of it -- first off,
21 I'm just curious to know, there's many parks -- I
22 happen to live on Edna Drive, which you know,
23 there's a park at the end of my block. There's a
24 park on Cold Spring Road. As a matter of fact,
25 there's a Facebook petition going around right now

1 that I have nothing to do with, where someone is
2 trying to get upgrades to the park on Cold Spring
3 Road. I don't even know if you're aware of that.

4 My question though is, how do we decide
5 to take this Rising Funds money, which in my
6 opinion should be used for shoring up the bulkheads
7 and all that, and how did we pick this one park
8 over in Massapequa versus all the other parks? And
9 the comments that are on Newsday are from residents
10 over there. They're concerned that by expanding
11 the park, that it's going to draw more teenagers,
12 more drinking, drugs, these are comments that are
13 on Newsday, which you know you could have that
14 problem at any park, but how did we pick this one
15 park?

16 SUPERVISOR SALADINO: I'm sure you'll
17 be glad to hear the facts, so if you'll kindly take
18 a seat, we'll answer the facts and make sure that
19 the public understands the facts in this particular
20 application.

21 MR. McKENNA: Thank you.

22 SUPERVISOR SALADINO: So what we're
23 hearing about is a New York Rising Program that is
24 taking place on the southerly end of Alhambra Road
25 in Massapequa.

1 This property and this mitigation
2 program came out of a weeks, perhaps months long
3 program, the New York Rising Massapequa Community
4 Reconstruction Plan was a very in-depth plan that
5 involved mapping out the flood plains, the
6 elevations and getting tremendous amount of input,
7 and as a State Assemblyman, I attended many of
8 those meetings. The public attended many of those
9 meetings, and some of the folks who were at those
10 meetings are here today.

11 They looked at storm resiliency. They
12 looked at flood mitigation. And this program is
13 designed for exactly those types of things.

14 The bulkhead will be reinstituted and
15 raised, LED lighting, we have green infrastructure
16 that's coming in and this came about through the
17 many experts and those in the community who
18 understand their needs, as well as the Science
19 community which studies weather patterns, flood
20 tide heights and knows how to stop and mitigate
21 future floods.

22 And this program will be entirely paid
23 for out of State funds and has almost no cost at
24 all to the Town of Oyster Bay. This is a program
25 that the community has asked for that we feel is

1 very important, and this is the many ways in which
2 we're going to work to mitigate future flooding in
3 our communities.

4 The community that this area is a part
5 of is one of the hardest hit in all of New York
6 State. It has continually been hit with flooding,
7 and I know this because I've been visiting that
8 site since I was a young boy and my parents visited
9 that site when they were young as well. That was
10 once the beach in Massapequa. It has a lot of
11 historic value.

12 It's also an access point to the Great
13 South Bay for the community. It was also the site
14 of a large of operation of a marina that left heavy
15 metals and solvents in the soil. So picking this
16 site was very important toward getting the issues
17 of remediation in those soils fully fixed so as not
18 to leak into our salt water environment in the
19 Great South Bay and those adjoining canals.

20 So this is a location that makes
21 perfect sense, and all of the concerns of the
22 residents are being addressed. And, you know,
23 sometimes we hear reports about items that don't
24 give us the real picture of what's going on. In
25 terms of security, currently all of those areas are

1 fenced off and our Public Safety opens and closes
2 those fences so that they're locked at night.

3 We have some residents who would like
4 to speak on these issues and I'm going to call them
5 up now because I think the timing is ideal.

6 The next person I'd like to call up on
7 this issue is Mr. Scott Arnella of Massapequa,
8 Arenella.

9 Good evening, Mr. Arenella.

10 Thank you for joining us.

11 MR. ARENELLA: My name is Scott
12 Arenella. I reside at 16 Sutton Place in
13 Massapequa. I'm a lifelong resident and I'm also a
14 Principal in the Biltmore Civic Association.

15 I'd like to speak about the Alhambra
16 Beach project. It's something that is very
17 meaningful for myself as well all of my neighbors.
18 We've been advocating for a long time to get some
19 work done on that beach. I understand that there
20 have been some concerns, especially with some of
21 the very immediate neighbors, and I've seen many
22 improvements over these past of couple of years
23 that have been done with taking over some of the
24 properties that were there that were problems.
25 There were bars there and other issues that were

1 going on. Now that you were able to close that
2 parking lot at night, I've seen major improvements
3 in the evening and some of the chaos that used to
4 occur over there.

5 I feel that this beach has been there a
6 long time, before all of us, and it's really
7 deteriorated, and as you mentioned with the storms,
8 there's a lot of damage that's been done there.

9 I believe that especially with the
10 State funding that this is an excellent opportunity
11 for us. It's a place that I'd love to bring my
12 children, somewhere to have a park. There really
13 isn't anything that closeby currently, and I
14 believe that it's an excellent opportunity for us
15 to improve that space.

16 SUPERVISOR SALADINO: I'd just like to
17 ask you a couple of questions.

18 Many of us have been to your civic
19 association meetings over the years; is that
20 correct?

21 MR. ARENELLA: Yes.

22 SUPERVISOR SALADINO: And can you tell
23 us what line of work you're in?

24 MR. ARENELLA: I'm in real state.

25 SUPERVISOR SALADINO: Do you believe by

1 making these changes at that location, it will
2 affect property values in the South Massapequa
3 communities?

4 MR. ARENELLA: It will. It will
5 improve it drastically.

6 SUPERVISOR SALADINO: Why is that?

7 MR. ARENELLA: Because currently --
8 before it was an industrial site with a lot of
9 problems and contamination, and now it's a wide
10 open area. It's a place that I've been going to
11 since I was a child. I believe that expanding the
12 park and making it a nice greenery and something
13 that we can walk to and enjoy, would be a huge
14 improvement from what it is currently.

15 SUPERVISOR SALADINO: Has the community
16 been asked to give input, give suggestions and have
17 they been fully embraced in the process?

18 MR. ARENELLA: For many years, yes,
19 sir.

20 SUPERVISOR SALADINO: And has the
21 community then responded by doing just that?

22 MR. ARENELLA: Yes, they have.

23 SUPERVISOR SALADINO: Have their
24 suggestions been listened to?

25 MR. ARENELLA: All of them, many of

1 them. There's been many ideas, there have been
2 crossed ideas of different -- some networks.
3 There's been some extravagant down to some simple
4 things and that I must say that the Town has been
5 very helpful in understanding our concerns.

6 SUPERVISOR SALADINO: Is raising new
7 bulkheads to a higher level among the suggestions
8 that have been brought to the Town and brought to
9 the community reconstruction plans?

10 MR. ARENELLA: Correct. It's needed.
11 The bulkheads are shot, falling apart.

12 SUPERVISOR SALADINO: And does the
13 community want more access to the water, to the
14 Great South Bay, kayaking, fishing, crabbing?

15 MR. ARENELLA: I visited on a regular
16 basis and there's always a lot people there, and
17 people even sit out at the beach. It's a beautiful
18 place and it's one of a kind.

19 SUPERVISOR SALADINO: Will you continue
20 to give us input so that this can be done correctly
21 the way that all neighbors could be happy with it?

22 MR. ARENELLA: I'd be very, very
23 willingly to.

24 SUPERVISOR SALADINO: All right. Thank
25 you. Thank you for your testimony.

1 It's important to point out that in the
2 article that was referenced, the Newsday article,
3 one of the people who was the one to have expressed
4 fears of young people in the community, also at the
5 end of the article was quoted as saying, well, it
6 would be much better if those safety measures were
7 put in place.

8 Our next speaker is Mr. Philip Healey
9 on the same subject.

10 MR. HEALEY: Good evening,
11 Mr. Supervisor, Town Board.

12 At this moment --

13 SUPERVISOR SALADINO: Can you please
14 start out by saying your name and address?

15 MR. HEALEY: Philip Healey, President
16 of Biltmore Shores Civic Association, 44 Biltmore
17 Boulevard, Massapequa.

18 SUPERVISOR SALADINO: Thank you.

19 MR. HEALEY: I'm thrilled after twelve
20 or thirteen years of this project of going from an
21 industrial area, plighted area, brown field that
22 we're at this point that we can accept -- hopefully
23 accept the help from New York Rising Mitigation
24 Plans for exactly all the reasons you said; the
25 flooding that happens not only in storms, but at

1 full moon tides, as many of these people know that.
2 It's been a long road and it's been a slow process.

3 The area as changed dramatically. If
4 you can just remember thirteen or fourteen years
5 ago, a fueling station with contaminated soil,
6 heavy metals, you can say boat yards that has been
7 polluting for 60-plus years prior to that. I've
8 been just ecstatic over it. I hear a lot things
9 negative, but it's a great moment I think for us
10 and I can't wait to walk the people from Syosset
11 down to enjoy it.

12 SUPERVISOR SALADINO: Mr. Healey, you
13 are a part of the New York Rising Massapequa
14 Community Reconstruction Plan?

15 MR. HEALEY: Yes, from the very
16 beginning. Yes.

17 SUPERVISOR SALADINO: From the very
18 beginning.

19 Can you talk to us about the type of
20 ideas, testimony and additions you gave at those
21 community meetings?

22 MR. HEALEY: Well, the first ones they
23 had down at the Massapequa High School maybe a year
24 or two after Sandy -- actually, there was one prior
25 to that, and they would asked us what we would like

1 to see in how to make our neighborhood more
2 resilient to storms; not just storms, but severe
3 flooding.

4 And the community got together,
5 roundtable discussions. One was the first stage of
6 the plan on how we wanted to move forward, how to
7 improve things, how to make it -- whether an
8 emergency generator is a fire hazard, raising
9 roads, whatever it would take to make the area
10 safer and more livable for us as a community.

11 As it went on, a lot of the New York
12 Rising got involved with residents to help raise
13 their houses so they could stay there. Utilities
14 got improved, and now they're looking at the
15 infrastructure to try to complete the whole package
16 to make it a more livable community in these
17 events.

18 SUPERVISOR SALADINO: Sir, are you
19 aware where the resources emanate from for the New
20 York Rising Program that's funding this actual
21 program?

22 MR. HEALEY: The best I could -- I do
23 believe I do know. They are from FEMA, a Federal
24 program that's funding some of this through the
25 State agencies. They will look at how to make the

1 beaches more resilient. There was -- the original
2 program helped raise the houses, and this program
3 now helps mitigate future issues.

4 SUPERVISOR SALADINO: Are you aware of
5 how these resources were voted on in the State
6 Capitol? Do you know if your local State
7 representative played any role on voting in this
8 project?

9 MR. HEALEY: I can say that I know he
10 was very involved, yes, and I know, unequivocally,
11 yes. He had been very supportive or you were very
12 supportive in your State role to our community in
13 storms; not only in Sandy, but Irene and anything
14 before that, and we do appreciate that.

15 SUPERVISOR SALADINO: Well, I
16 appreciate your effort. I was very proud to be one
17 of those spearheading this program to the Ways and
18 Means Committee and also through the negotiation of
19 the State budget being a very strong voice for the
20 South Shore of Long Island, but I appreciate -- we,
21 on this Town Board, appreciate people like you and
22 all of the other volunteers who worked so hard
23 night after night, day after day, on the phone
24 working with everyone. And I feel pretty confident
25 that you'll continue to be working with this Town

1 to help design this in a way that suits the needs
2 of all of the public and keeps in mind the safety
3 of the community that you represent as the Civic
4 Association President.

5 MR. HEALEY: No doubt we'll continue to
6 do that and we'll keep everybody included in the
7 discussion.

8 SUPERVISOR SALADINO: Thank you so much
9 Mr. Healey.

10 Mr. Ripp?

11 MR. RIPP: My name is Robert Ripp. I
12 live at 77 Sunset Road, Massapequa, New York.

13 I believe I'm on 135, 144 and 147.

14 Is that okay?

15 (No response.)

16 MR. RIPP: Sorry. Is that right?

17 Are those correct?

18 SUPERVISOR SALADINO: 147, 144 and 132
19 is the the way you filled it out.

20 MR. RIPP: Oh, I'm sorry. That's 135.

21 I'll start with 135.

22 First of all, I want to say that I find
23 it very disconcerting that some residence come up
24 here and have to give a statement and sit down, but
25 you have conversations with other residents.

1 Actually, it seemed like they were preplanned.

2 135 -- actually, I want to speak to you
3 about a number of these because these are the
4 property payments again and these all have to do
5 with Notices of Violations being issued, and quite
6 frankly, I think that it's both -- it's
7 hypocritical and a conflict of interest for you to
8 vote on any these Resolutions because from what
9 I've seen, Mr. Interim Supervisor, you don't follow
10 the Town Building Codes yourself. I've made a
11 complaint based on your property, and I just want
12 to say the last person that I saw that acted the
13 way that you did with building problems was
14 Mr. Ippolito.

15 On 147, you completely misinterpreted
16 the history of what's going on in the garage over
17 there and the backup documents that you provided
18 back on October 18th on the Town Hall meeting for
19 Resolution 5 -- rather 753, substantiate what I'm
20 going to say. And that Resolution wasn't tabled.
21 It was approved on October 18th. Okay? It's
22 Resolution No. 75 -- excuse me -- it was Resolution
23 598 of 2016.

24 Okay. So, you have a couple --

25 COUNCILMAN MACAGNONE: I apologize if I

1 was mistaken.

2 MR. RIPP: No problem. I'm sorry. I'm
3 rushing 'cause I'm on a time limit. You know,
4 everybody else gets to speak as long as they want,
5 but the clock's going.

6 All right. So, there's a couple of
7 issues here with -- number one, there's a conflict
8 of interest with this 147.

9 First of all, to start out with, it
10 appears that these people were already working on
11 this, but you're approving that the Resolution for
12 them to do this investigation tonight. I'm not
13 sure if that's true or not, but you mentioned that
14 they started working already and you're voting on
15 this tonight.

16 All right. 147, you're looking into
17 hiring Hirani Engineering to do on-call engineering
18 services for structural investigation of the
19 parking garage. You want to pay them \$52,000, but
20 there's a conflict of interest because you refer to
21 the original contract that they were hired on, that
22 753 of 2015, which is one of these open-ended
23 on-call agreements, and when you review that, both
24 Sydney Baum, who was the engineer who was
25 responsible for signing off on the garage, okay,

1 and Hirani Engineering were hired through the same
2 contract, so that's a conflict of interest because
3 how could one engineer investigate another engineer
4 when he knows that down the road that engineer
5 might have to investigate him? So you can't be
6 hiring Hirani to investigate this because they're
7 part of this problem. They're not somebody new and
8 different. But I do suggest that you do hire
9 someone to investigate.

10 Now, what I want to bring to your
11 attention, because this is what you really
12 misinterpreted. All right?

13 Mr. Antetomaso prepared a letter dated
14 September 28, 2016, and it was provided to the Town
15 Board. Okay. It was written to Richard Betts.
16 He's the former Commissioner of the Department of
17 Public Works here, and it says, "We issued a report
18 in October 2015 discussing the result of our
19 inspection and making recommendations for
20 remediation.

21 "In February 2016, we were again
22 contacted by the Town concerning the cracks in the
23 grade level and the first lower decks. Since that
24 time, we have visited the garage on numerous
25 occasions to inspect cracking and study water

1 leakage issues. We also met with contractors to
2 discuss possible remedial work and attended meeting
3 with the TOB staff to discuss our findings. We
4 then structurally analyzed the cracked slabs,
5 studied water condensation issues and developed
6 various alternative repair schemes.

7 "We next prepared preliminary drawings,
8 construction procedures, technical specifications
9 and construction cost estimates for the alternative
10 schemes.

11 "Finally, we met again with TOB staff
12 to present the various repair alternatives to gain
13 Town input and to select the preferred alternative.
14 You asked that we prepare this proposal to finalize
15 contract drawings and technical specifications --"
16 technical specifications "for maintenance
17 improvements at the Hicksville parking facility."

18 And then it goes on to explain their
19 proposed scope of additional engineering services.

20 So, the Town of Oyster Bay is fully
21 aware of what the problem is in the Hicksville
22 parking garage. You already paid on this
23 Resolution. This is the final payment to Syndey
24 Baum of \$177,000. I'm not sure how much money you
25 paid him totally to review this work.

1 And during that day, Mr. Antetomoso
2 vehemently objected to the damage at the Hicksville
3 parking garage and claimed that that was normal
4 maintenance.

5 Now, I was there early this morning.
6 That is not normal maintenance. I've spoken to
7 experts in the construction and the cement field.
8 Okay? You should already have core samples to be
9 able to test whether the PSI was correct in that
10 cement or not. All right. That's number one.

11 Number two, that damage is not caused
12 by water or sand or salt leaking from the top down
13 because the significant damage is lower. It's
14 cracking from the bottom, up. That's purely
15 structural damage.

16 Enough of that. I'd like to move on to
17 144.

18 I happen to live down there by
19 Alhambra. I earned my living in the early '80s, I
20 had my first two kids digging clams for a living.
21 I was a full-time bay man, real bay man; not a guy
22 that went out on the boat and went fishing,
23 whatever, so I spent many days down there.

24 SUPERVISOR SALADINO: What year was
25 that, by the way?

1 MR. RIPP: Excuse me?

2 SUPERVISOR SALADINO: What year was
3 that, that you were digging clams off Alhambra
4 Beach?

5 MR. RIPP: Excuse me, I never said I
6 was digging clams off Alhambra Beach.

7 I'll finish what I'm saying.

8 So, if you go to Alhambra Beach, okay,
9 you can see out to Storm Island, which is where I
10 dug my clams. All right. At Alhambra Beach, it's
11 a simple gravel beach. I mean, I can appreciate
12 the residents concerns, and for instance,
13 Mr. Saladino mentioned the bar down there.

14 Well, that bar, it's been gone for more
15 twenty years, and ironically, it was owed by a Town
16 of Oyster Bay employee. So, I, you know, there has
17 been -- there were boatyards down there. It was a
18 commercial area.

19 What interests me, the Town was able
20 to, to use eminent domain to take over a couple of
21 blocks worth of blocks down there and increase that
22 area. I'm not sure if it's because of the -- this
23 is the first I ever heard of heavy -- heavy metal
24 and contamination down there. I never knew there
25 was any contaminations from the boatyards down

1 there before. I'm very interested about that.

2 But as far as the bulk heading and
3 everything that's going on, that's a gravel beach
4 that goes out. The only boats there go up the
5 canal, so I'm a little confused of what's exactly
6 going to go on there. And --

7 SUPERVISOR SALADINO: That's just not
8 the case.

9 MR. RIPP: I think that wraps it up.
10 Thank you very much.

11 SUPERVISOR SALADINO: Thank you for
12 your opinions.

13 I believe that's it on the resolutions.
14 (Inaudible chatter.)

15 MR. FREIER: Hi. Bob Freier,
16 33 Chestnut Lane in Woodbury.

17 First of all, since you voted on the
18 Personnel Resolution, can you now answer that
19 question, Mr. Supervisor?

20 SUPERVISOR SALADINO: Yes, we have two
21 changes.

22 We have an Equipment Operator I that
23 has been doing the job of Equipment Operator II,
24 and so that title has been changed to reflect their
25 current responsibilities.

1 We have a messenger that is doing the
2 job of Laborer I and their title has been changed
3 to reflect their responsibilities.

4 MR. FREIER: And their names are?

5 SUPERVISOR SALADINO: It's not on my
6 sheet.

7 One of the names is I. Zita, and the
8 other is S. Procilla.

9 MR. FREIER: Thank you.

10 On 147, my questions are, you know,
11 along the lines of what Mr. Ripp just said. This
12 is not something new.

13 In fact, two years ago we were talking
14 about the disrepair of this garage, so my question
15 to you is, who are the people, in Planning and
16 Development particularly, that signed off on the
17 inspection and approved those inspections? I'd
18 love to see those reports. Tell me how I can see
19 those.

20 Do I need submit a FOIL request?

21 SUPERVISOR SALADINO: Yes, you do.

22 MR. FREIER: Yes, okay, thank you.

23 And any kind of related inspection,
24 but, again, what Mr. Ripp had just said regarding a
25 conflict of interest, it's no different than, for

1 example, if you have surgery, just as an example,
2 let's just say you get a knee repair, and the
3 doctor -- you have complications from your knee
4 repair surgery, and you go to another doctor to try
5 and fix it. That doctor generally doesn't want to
6 fix another doctor's problems. Okay? So, you've
7 got the same thing here. So, Sydney Baum & Company
8 signed off on this, John Antetomaso who is a
9 partner there, I believe he was -- is he also your
10 campaign manager?

11 SUPERVISOR SALADINO: No.

12 MR. FREIER: No, okay.

13 Who is also a former P & D Commissioner
14 here.

15 SUPERVISOR SALADINO: Actually, it
16 plays no role in that. I don't know where you
17 would get an idea like that.

18 MR. FREIER: Well, I was just asking,
19 so thank you for clarifying.

20 And I would like, you know, to at least
21 get a commitment from this Board that if it is
22 determined that there are structural problems in
23 this garage, that every single company associated
24 with building this garage never gets to do business
25 with the Town of Oyster Bay again 100 percent

1 because they really screwed up.

2 Thank you.

3 SUPERVISOR SALADINO: Just seeing if
4 there is anyone else, making sure anyone else who
5 put in to speak on a Resolution -- I don't see
6 anyone else who has put in to speak on a
7 Resolution, so if the Clerk could continue.

8 MR. ALTADONNA: Call for a vote,
9 Supervisor?

10 SUPERVISOR SALADINO: Please.

11 MR. ALTADONNA: Supervisor Saladino?

12 SUPERVISOR SALADINO: "Aye."

13 MR. ALTADONNA: Councilman Muscarella?

14 COUNCILMAN MUSCARELLA: "Aye."

15 MR. ALTADONNA: Councilman Macagnone?

16 COUNCILMAN MACAGNONE: "Aye."

17 MR. ALTADONNA: Councilman Coschignano
18 is absent.

19 Councilwoman Alesia?

20 COUNCILWOMAN ALESIA: I'm abstaining as
21 to 146.

22 Just on a point of clarification, was
23 there a correction made on Resolution 147?

24 MR. ALTADONNA: Yes.

25 COUNCILWOMAN ALESIA: Then "Aye"

1 remains except for 146.

2 MR. ALTADONNA: Councilwoman Johnson is
3 absent.

4 Councilman Imbroto?

5 COUNCILMAN IMBROTO: "Aye."

6 MR. ALTADONNA: The motion to pass 126
7 through 145, noting that 126 is tabled and 130 is
8 tabled, passes with five "Ayes."

9 Motion 146 passes with four "Ayes" and
10 one abstention.

11 147 through 148 passes with five
12 "Ayes."

13 May we have a suspend, Supervisor?

14 May we have a motion to suspend rules
15 and add Resolution Nos. 149-2017 through 151-2017?

16 Resolution No. 149-2017; Resolution
17 authorizing the extension of the concession license
18 agreement for providing food and beverage services
19 at the Hon. Joseph Colby Town of Oyster Bay Golf
20 Course be extended through April 30, 2017. (M.D.
21 3/14/17 #22).

22 Resolution No. 150-2017; Resolution
23 appointing Councilman Anthony Macagnone as a
24 marriage officer to perform a wedding ceremony on
25 March 28, 2017. (M.D. 3/14/17 #24).

1 Resolution No. 151-2017; Resolution
2 authorizing acceptance of payment to fully settle
3 property damage to a Town owned vehicle. (M.D.
4 3/14/17 #25).

5 On the motion?

6 COUNCILMAN MUSCARELLA: So moved.

7 COUNCILMAN MACAGNONE: Second.

8 MR. ALTADONNA: Motion made by
9 Councilman Muscarella; seconded by Councilman
10 Macagnone.

11 Supervisor, there is a corrected copy
12 to this, and I have to read it into the record.

13 SUPERVISOR SALADINO: Yes.

14 Please proceed.

15 MR. ALTADONNA: "WHEREAS, the Town
16 Board Resolution 545-2016, adopted on September 27,
17 2016, to the Town Board authorized the Town
18 Attorney to negotiate an agreement with Lessing's,
19 Inc., 3500 Sunrise Highway, Building 100, Suite
20 100, Great River, New York, to provide Food and
21 Beverage Concession Services at the Honorable
22 Joseph Colby Town of Oyster Bay Golf Course,
23 Woodbury, New York, for the period beginning
24 September 26, 2016 through and including January 1,
25 2017; and

1 "WHEREAS, by Town Board Resolution
2 34-2017, the Town Board extended the license with
3 Lessing's, Inc. through and including March 31,
4 2017 in order to accommodate an on-going request
5 for proposal process to secure a long-term
6 concessionaire; and

7 "WHEREAS, Joseph G. Pinto, Commissioner
8 of the Department of Parks, by Memorandum dated
9 March 15, 2017, has advised that subsequent to the
10 adoption of the Resolution 34-2017, the request for
11 proposals was distributed and responses were
12 received, but that date due to scheduling issues,
13 and award of the long-term license was not possible
14 prior to the March 31, 2017 expiration date; and

15 "WHEREAS, in an effort to avoid any
16 lapse in service at the Golf Course facility,
17 Commissioner Pinto has recommended that the Town
18 Board extend the license with Lessing's, Inc.
19 through and including April 30, 2017 so that the
20 responses may be evaluated and an award of the
21 license may be made by the Town Board; and

22 "WHEREAS, in consideration of this one
23 month extension, Lessing's Inc. has agreed to pay
24 to the Town a sum equal to twenty-five (25) percent
25 of its gross receipts for the month of April, which

1 sum shall be prorated in the event that Lessing's,
2 Inc. vacates the Golf Course facility sooner than
3 April 30, 2017,

4 "NOW, THEREFORE, BE IT RESOLVED, That
5 the recommendation hereinabove set forth is hereby
6 approved, and the term of the agreement with
7 Lessing's, Inc., 3500 Sunrise Highway, Building
8 100, Suite 100, Great River, New York 11739, to
9 provide Food and Beverage Concession Services at
10 the Honorable Joseph Colby Town of Oyster Bay Golf
11 Course, Woodbury, New York, shall be extended
12 March 31, 2017 through April 30, 2017, and be it
13 further

14 "RESOLVED, that Lessing's, Inc. shall
15 pay to the Town a sum equal to twenty-five (25)
16 percent of its gross receipts for the month of
17 April 2017, which receipts shall be subject to the
18 review and audit of the Comptroller, and be it
19 further

20 "RESOLVED, that the Supervisor or his
21 designee shall be authorized to execute any
22 documents necessary to effect the extension."

23 COUNCILMAN MUSCARELLA: So moved.

24 COUNCILMAN MACAGNONE: Second.

25 MR. ALTADONNA: Motion made by

1 Councilman Muscarella; seconded by Councilman
2 Macagnone.

3 On the vote, Supervisor Saladino?

4 SUPERVISOR SALADINO: "Aye."

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: "Aye."

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: No, on 149.

9 Get a food truck in for the golfers for
10 the month of April. This is a bad deal for the
11 Town.

12 I abstain on 150.

13 "Aye" on 151.

14 MR. ALTADONNA: Okay. No on 149.

15 Abstain on 150.

16 "Aye" on 151.

17 Councilman Coschignano is absent.

18 Councilwoman Alesia?

19 COUNCILWOMAN ALESIA: I want to make a
20 food truck comment, but I'm not going to.

21 "Aye."

22 MR. ALTADONNA: Councilwoman Johnson is
23 absent.

24 Councilman Imbroto?

25 COUNCILMAN IMBROTO: "Aye."

1 MR. ALTADONNA: Motion to suspend the
2 rules passes with -- on 149 with four "Ayes" and
3 one no.

4 150, four "Ayes" and one abstention.

5 And 151, five "Ayes."

6 May we have a motion to adopt

7 Resolution No. 149 through 151?

8 Supervisor, just these are suspends so
9 we have no speakers on those, so we'll go right to
10 the vote.

11 COUNCILMAN MUSCARELLA: So moved.

12 COUNCILMAN MACAGNONE: Second.

13 SUPERVISOR SALADINO: I'd just like to
14 make a comment before we vote.

15 Before I got here, there was a
16 committee of five to recommend operators at the
17 golf course and, quite frankly, at other locations
18 where we provide food and beverages.

19 I promised transparency. I know that's
20 what the public wants. And in an effort to deliver
21 that transparency, we disbanded the committee so
22 that the Board could publicly hear the
23 presentations of all the presenters.

24 The Board will be doing this in an open
25 and public matter because I believe it's the right

1 thing to do and it brings about a high level of
2 transparency, so it's done in public, at a public
3 meeting with all of you here, on the Internet, so
4 that all can see the questions we ask; the answers
5 that are given. We're not just going with a
6 number, a select number of concessionaires, but
7 anyone who responded is a qualified responder to
8 the RFPs.

9 We'll be holding this presentation on
10 April 4th at 10:00 a.m. just prior to our open
11 Board meeting and in accordance with all open
12 meeting laws. We tried to do this on other
13 occasions, but some Board members had conflicts in
14 their schedule and we wanted to make sure that all
15 the Board members could take part in it.

16 Because of this, a month would have
17 gone without a caterer there and knowing that the
18 caterer had functions that had been booked there,
19 we wanted to make sure there was no lapse in
20 service, and that was the reason for extending just
21 one month at a fee to the Town of 25 percent of the
22 gross revenues, so that the Town and the taxpayers
23 received revenue and that the events were, quite
24 frankly, covered until we could hold this new
25 transparent Board meeting and do this openly in the

1 public for all of you to observe and to be a part
2 of.

3 That will be taking place on April 4th
4 at 10:00 a.m. I encourage you all to be here so
5 that -- and it will be a very long meeting, but
6 that's okay. We understand it's our job to do
7 everything possible to have open government so you
8 know what we're doing and why we're doing it.
9 That's the purpose for the extension because we
10 were being respectful of the schedules of all the
11 Board members and the public to have everyone
12 together to conduct this open and transparent
13 review of those applying or responding to our RFP.

14 MR. ALTADONNA: Motion was made by
15 Councilman Muscarella, seconded by Councilman
16 Macagnone.

17 On the vote, Supervisor Saladino?

18 SUPERVISOR SALADINO: "Aye."

19 MR. ALTADONNA: Councilman Muscarella?

20 COUNCILMAN MUSCARELLA: "Aye."

21 MR. ALTADONNA: Councilman Macagnone?

22 COUNCILMAN MACAGNONE: No on 149.

23 Abstain on 150.

24 Yes on 151.

25 MR. ALTADONNA: Councilman Coschignano

1 is absent.

2 Councilwoman Alesia?

3 COUNCILWOMAN ALESIA: "Aye" as to all.

4 MR. ALTADONNA: Councilwoman Johnson is
5 absent.

6 Councilman Imbroto?

7 COUNCILMAN IMBROTO: "Aye."

8 MR. ALTADONNA: Motion to pass
9 Resolution No. 149 passes with four "Ayes" and one
10 no.

11 Motion to adopt Resolution No. 150
12 passes with four "Ayes" and one abstention.

13 Motion to adopt Resolution No. 151-2017
14 passes with five "Ayes."

15 Now, Supervisor, we have a Walk-On,
16 which I have --

17 SUPERVISOR SALADINO: Before you
18 mention that, I'd just like to say congratulations
19 to the lucky couple that Councilman Macagnone --
20 who Councilman Macagnone will be marrying in the
21 near future. God Bless them. And cento anos to
22 that wonderful couple.

23 COUCILMAN MACAGNONE: Thank you,
24 Supervisor.

25 I will relay that to them.

1 MR. ALTADONNA: Okay.

2 Walk-on, may I have a motion to
3 resuspend the rules and add the following Walk-on
4 Resolution No. 152-2017, which is a Resolution
5 relating to, and I will read it -- do you want to
6 call for a motion first and then I'll read it?

7 Okay. I'll call for a motion.

8 COUNCILMAN MUSCARELLA: So moved.

9 COUNCILMAN MACAGNONE: Second.

10 MR. ALTADONNA: Motion made by
11 Councilman Muscarella; seconded by Councilman
12 Macagnone.

13 Here we go,

14 "WHEREAS, pursuant to Town Board
15 Resolution 786-2013, the Town Board authorizes the
16 retention of Covington and Burling, LLP,
17 1201 Pennsylvania Avenue, Northwest Washington,
18 D.C. for the purposes of representing the Town
19 interest in litigation brought by the United States
20 Department of Justice and the New York State
21 Division of Human Rights relative to the Town's
22 housing programs, and

23 "WHEREAS, Joseph Nocella, Town
24 Attorney, and Matthew M. Rozea, Deputy Town
25 Attorney, by Memorandum dated March 20, 2017 have

1 advised that there are outstanding invoices from
2 Covington and Burling, LLP totaling \$985,996.69;
3 and

4 "WHEREAS, the Office of the Town
5 Attorney has negotiated a discount of \$235,996.69
6 in Covington and Burling, LLP's invoices, leaving a
7 due and owing a balance of \$750,000.00; and

8 WHEREAS, pursuant to Town Board
9 Resolution 517-2015, the Town Board authorizes the
10 retention of Quinn, Emanuel, Erkhart & Sullivan,
11 LLP, 51 Madison Avenue, New York, New York, in
12 connection with litigation relative to issues
13 surrounding a former Town Concessionaire; and

14 "WHEREAS, Joseph Nocella, Town
15 Attorney, and Matthew M. Rozea, Deputy Town
16 Attorney, by Memorandum dated March 20, 2017, have
17 advised that there are outstanding invoices from
18 Quinn, Emanuel, Erkhart & Sullivan, LLP totaling
19 \$601,304.06; an

20 "WHEREAS, the Office of the Town
21 Attorney has negotiated a discount of \$61,432.27 in
22 Quinn, Emanuel invoices, leaving a due and owing
23 balance of \$539,871.79; and

24 "WHEREAS, by the aforementioned
25 Memorandum, it is recommended that the Town Board

1 authorize payment to Quinn, Emanuel, Erkhart &
2 Sullivan, LLP in the amount of \$539,871.79 and to
3 Covington & Burlington, LLP in the amount of
4 \$750,000, with funds to be drawn from Account No.
5 OTA A 1420 44110 000 0000,

6 "NOW, THEREFORE, BE IT RESOLVED, That
7 the Town Board hereby approve and authorize of an
8 amount not to exceed \$750,000 for purposes of
9 payment to Covington and Burlington, LLP and an
10 amount not to exceed \$539,871.79 for purposes of
11 payment to Quinn, Emanuel, Erkhart & Sullivan, LLP
12 for legal fees, costs and disbursements as outside
13 counsel, and be it further

14 "RESOLVED, That the Comptroller is
15 hereby authorized and directed to pay said outside
16 counsel for legal fees, costs and disbursements
17 rendered, upon the submission of a duly certified
18 claim, after approval by the Office of the Town
19 Attorney, and after audit, with funds available
20 from Account No. OTA A 1420 44110 000 0000."

21 Okay, Supervisor.

22 This is a Walk-on. I don't know if
23 there's any comments before or if you just want to
24 go to the vote, that's your --

25 SUPERVISOR SALADINO: Before you go

1 through the vote, I'd just like to do the motion.

2 MR. ALTADONNA: We have the motion on
3 the table.

4 SUPERVISOR SALADINO: We have the
5 motion. All right.

6 I'd like to call forward our Town
7 Attorney, Joe Nocella, to explain this issue.

8 MR. NOCELLA: Thank you,
9 Mr. Supervisor, Town Board.

10 The Covington and Burling bill had
11 amassed over a period of time. It was not paid.

12 One of the first things that was
13 waiting on my desk when I assumed my duties as new
14 Town Attorney was a letter for payment explaining
15 that the work had been done.

16 I reviewed very carefully the bills.
17 The work had, in fact, been done. The work was
18 done in a superb way. They represented the Town
19 very effectively in a lawsuit that was brought by
20 the United States Department of Justice attacking
21 the Town for Golden Age Housing and it's New Age
22 Housing.

23 Covington & Burling believe very
24 strongly that the Town was absolutely correct in
25 its implementation of its policies to provide

1 affordable housing to its seniors and to its young
2 people, and that there was never any attempt by the
3 Town, never any attempt covert or indirect in any
4 way to engage in any sort of racial discrimination.

5 Nonetheless, a lawsuit was brought by
6 the Department of Justice which required a
7 formidable defense. Covington & Burling was
8 selected because they had unique expertise in the
9 area.

10 As I stated, I reviewed the bills very
11 carefully with them. The work was done and it was
12 done effectively. I explained that the
13 administration was relatively new to this matter
14 and that because it was a large sum and we would
15 like to continue using them on a going-forward
16 basis that we needed to have some sort of discount
17 and we began a series of negotiations over the
18 ensuing weeks in which they agreed to remove
19 \$250,000; one quarter of a million dollars from the
20 bill, which is due and owing at this time.

21 In addition, they also agreed that on
22 a going-forward basis they would be willing to
23 discount their bills if they were paid in a timely
24 fashion; namely, within a 60-day period.

25 Similarly, Quinn, Emanuel, a respected

1 law firm that has been representing the Town of
2 Oyster Bay in litigation involving the
3 concessionaires, had amassed a bill that exceeded
4 \$600,000. I, again, began a series of negotiations
5 that resulted in a de facto 10 percent discount in
6 the outstanding bill.

7 Neither firm was obligated to provide
8 these discounts, but they expressed their desire to
9 continue working with the Town of Oyster Bay, their
10 enthusiasm to be working with the new
11 administration, and they also offered a further
12 incentive, which is that if there are bills timely
13 paid, that they would discount them approximately
14 7 percent per bill going forward.

15 SUPERVISOR SALADINO: Just a little bit
16 of the background, can you tell us when this
17 lawsuit was brought by the Federal Government?

18 MR. NOCELLA: It's my understanding
19 that the lawsuit was initially filed approximately
20 in 2013.

21 SUPERVISOR SALADINO: 2013.

22 And those us of us who watched the
23 media, this was a case that was heavily reported
24 upon in our papers, on television, in the news?

25 MR. NOCELLA: That is correct,

1 Supervisor, yes.

2 SUPERVISOR SALADINO: When did we first
3 enjoin this firm?

4 MR. NOCELLA: We -- approximately, the
5 same year, sir.

6 SUPERVISOR SALADINO: The same year.

7 And from your years of experience, is a
8 case like this generally require this much work?
9 It's a lot of work.

10 MR. NOCELLA: It absolutely does.

11 The nature of the case is such that
12 there's extensive amounts of Discovery that are
13 taken. A great deal of statistics and data are
14 gathered. Numerous depositions would be taken.

15 It's largely a statistical case. The
16 Justice Department was, in effect, is accusing the
17 Town of Oyster Bay of racism in its policies,
18 Policies which were clearly designed only to enable
19 our seniors to remain in the Town of Oyster Bay.
20 Policies that were designed clearly for the sole
21 purpose of allowing young people to afford to
22 remain in Oyster Bay with no discriminatory intent
23 whatsoever. The case was built upon statistics,
24 and because it was built upon statistics, it
25 required a great deal of effort in order to rebut

1 it.

2 At the moment, the Department of
3 Justice case is stayed. The parallel case by the
4 New York State Division of Human Rights alleging
5 effectively the same as the Justice Department, is
6 ongoing, but on a slower track.

7 SUPERVISOR SALADINO: So what can we
8 expect ongoing in terms of legal fees?

9 MR. NOCELLA: It's difficult to
10 project, Supervisor, but I should note that it was
11 because the fees were not paid over such a long
12 period of time that they amounted to such a large
13 sum of money. And it's to the credit of these
14 outside law firms, that notwithstanding that they
15 weren't paid, they continued in their obligations
16 and duties to represent the Town. They could have
17 withdrawn from their representation, and had they
18 done so, not only would we still owe them the money
19 for the work that they had done, but we would be
20 left without representation.

21 SUPERVISOR SALADINO: We understand
22 that none of this work was done during this
23 administration in the Town of Oyster Bay.

24 MR. NOCELLA: Yes, that's correct.

25 SUPERVISOR SALADINO: And in your

1 experience, when cases are brought like -- of this
2 type throughout the nation to municipalities like
3 ours, Towns, Counties and Villages, do they
4 virtually always retain outside counsel?

5 MR. NOCILLA: Almost without exception.
6 You're looking at a case which is almost cutting
7 edge. The Justice Department virtually has to
8 concede that there was no discriminatory intent by
9 the Town of Oyster Bay.

10 As I said, their case is built upon
11 statics.

12 There was a famous quote, I don't know
13 if it was Winston Churchill or somebody else, who
14 said there's three types of lies: Lies, damn lies
15 and statistics.

16 Unfortunately, the statistical lie is
17 the most difficult one to refute. Any municipality
18 in our situation would not have the resources,
19 either the number of Deputy Town Attorneys or other
20 people in its staff to be able to rebut an
21 allegation of this nature. Nor would we have on
22 staff the type of specialized knowledge to rebut
23 the United States Department of Justice allegation
24 of discrimination based upon a set of statistics
25 spanning decades.

1 So, in each case, any case, where a
2 municipality was so charged, the only logical thing
3 to do to defend the municipality and the integrity
4 of not only its government, but its citizens
5 itself, is to go to outside counsel as was done
6 here.

7 SUPERVISOR SALADINO: And in these
8 cases throughout the nation where outside counsel
9 is brought in, does the municipality have a much
10 more increased chance of winning the case with
11 outside counsel than they would with their own?

12 MR. NOCELLA: If I may, sir, I'd go
13 further than that, and say, their only chance is to
14 hire respected outside counsel with the specialized
15 knowledge and the expertise to handle this defense.

16 SUPERVISOR SALADINO: And so the public
17 can understand why we're spending large amounts of
18 money, and I clearly am never happy with spending
19 large amounts of the taxpayers' money, what would
20 happen if we didn't pay these bills?

21 MR. NOCELLA: Well, for one thing, we
22 would be left without the proper representation in
23 the Justice Department lawsuit as well as the
24 Division of Human Rights suit.

25 There is the potential that the Justice

1 Department would in effect want the Golden Age
2 Housing removed or convert it to something other
3 than Golden Age Housing. There is the potential
4 that all New Age Housing will be closed down or
5 converted into something other than New Age
6 Housing.

7 And in its attempt -- the prior
8 administration incidently in this case that term
9 has been used, the prior administration in this
10 case, the prior federal administration, the suit
11 was brought by the Obama administration and the
12 Obama administration's Justice Department. And
13 their attempt, in the view of some, was the
14 equivalent of what was known in the '60s not merely
15 of block busting, but in this case, a Town busting
16 and neighborhood busting.

17 Excuse me, I misspoke. I didn't say
18 bussing. I meant busting, that is to break up
19 entire neighborhoods and entire communities, and we
20 engineer them along lines or along certain
21 objectives or certain protocols that appear only in
22 the minds of certain members of the Justice
23 Department who are no longer there.

24 SUPERVISOR SALADINO: My concern are
25 these bills. It's a lot of money. I don't like

1 spending this kind of money, but we know that these
2 bills were accumulated before this administration
3 and we know that these bills have to be paid.

4 Now, here we are down the road, now
5 holding the bill for the meal that had already
6 taken place, in essence.

7 If this wasn't paid, would the law
8 firms have the right to bring actions, bring suits
9 against the Town to reclaim their fees?

10 MR. NOCELLA: They would have the right
11 to bring a lawsuit against the Town. Firms of this
12 caliber are very reluctant to do it, but they
13 wouldn't walk away from a bill like this.

14 They would place a lien on the entirety
15 of the case file. A case file in a very small slip
16 and fall case might mean literally a file. Here,
17 it's a term of art. It means all the banker boxes
18 and files, all the electronic data which they have
19 compiled in our defense. All of those materials
20 that they have, they have the right to retain until
21 the bill was paid. They would sue, they would win,
22 they would maintain control over all the
23 information that they have, and we would not be in
24 a position to defend ourselves with any other
25 counsel because that counsel wouldn't have access

1 to the files.

2 SUPERVISOR SALADINO: If that happened,
3 would the Town then end up paying far more than the
4 amount you negotiated?

5 MR. NOCELLA: Vastly more. Not merely
6 the amount that I was able to negotiate down from
7 the bill, not merely the full amount of the -- to
8 use a round number, the million dollars owed to
9 Covington, but, in effect, a substantial amount
10 beyond that simply to defend a subsequent lawsuit.

11 SUPERVISOR SALADINO: Thank you.

12 Does anyone else have questions on
13 this?

14 COUNCILWOMAN ALESIA: Yes, I do.

15 Sorry, councilman.

16 SUPERVISOR SALADINO: Go ahead.

17 COUNCILWOMAN ALESIA: Is there not a
18 firm on Long Island that might charge less that
19 could handle this litigation?

20 MR. NOCELLA: It's extremely unlikely,
21 Councilwoman.

22 Covington & Burling has literally,
23 excuse me, literally hundreds of lawyers on its
24 staff. They're based in Washington and they're
25 thoroughly familiar with the policies of the

1 Justice Department.

2 Most of the law firms on Long Island
3 deal largely with land use, zoning and other
4 litigation matters. I would say that throughout
5 the United States, wherever you go, you could find
6 excellent land use lawyers, you could find
7 excellent litigators, because every place you go,
8 you have litigation, and every place you go, you
9 have land use matters. But this is a highly
10 specialized type of litigation. Not everybody, not
11 every municipality gets sued by the United States
12 Justice Department on charges which, in this
13 attorney's opinion, are spurious, and, actually, I
14 find them to be based on such slim and flimsy, as
15 they call it, statistical evidence as to be quickly
16 refuted, but nonetheless become an enormous problem
17 for us, and there are no Long Island based law
18 firms that have the expertise to deal with this
19 type of statistical analysis and the statistical
20 allegations that were made by us.

21 COUNCILWOMAN ALESIA: I think I agree
22 with you, and I don't mean to speak so casually as
23 I'm sitting up here, but I think my issue is that
24 I also believe that these are very facetious
25 allegations, and this is going to sound so naive

1 for someone who is an attorney and who sat up here,
2 but I just feel like if we're in the right, we
3 should be able to find a law firm that can say that
4 for less than we're paying this particular firm.
5 It just seems -- I understand they're the best of
6 the best. I get that. It's just excessively
7 expensive in my opinion.

8 MR. NOCELLA: Yes, but do bear in mind,
9 Councilwoman, that it accrued over many, many
10 months.

11 And, again, to their credit, while
12 their monthly bills went unpaid month after month
13 after month, they continued to represent us.

14 That preceded my tenure here.

15 COUNCILWOMAN ALESIA: I understand that.

16 COUNCILMAN MACAGNONE: Mr. Nocella?

17 MR. NOCELLA: Yes, sir?

18 COUNCILMAN MACAGNONE: Basically, since
19 this started, we haven't had any Golden Age started
20 or any Next Generation started, so this is really
21 handcuffing the Town of development of these
22 projects, correct?

23 MR. NOCELLA: That is true, and that is
24 another problem.

25 I mean, we not only believe that the

1 accusations are false, as I've said, and I keep
2 repeating based upon some statistical analysis,
3 almost like a computer model, but the consequence
4 is, it's frozen our ability to provide Golden Age
5 Housing for our senior citizens and the New Age
6 Housing for our young residents to keep them in the
7 Town of Oyster Bay.

8 COUNCILMAN MACAGNONE: I agree.

9 COUNCILMAN IMBROTO: Mr. Nocella, I
10 know you said that it's difficult to project going
11 forward what the cost would be, but since the
12 change of the administration and with new justice
13 department officials coming in, would we expect
14 another bill of this magnitude?

15 MR. NOCELLA: No, I don't think you'll
16 ever see another bill of this magnitude. Bills may
17 accumulate over time. If you want, you could
18 potentially aggregate additional bills over time
19 that might be in large sums of money, but part the
20 of negotiation -- it's not in this Resolution
21 because it's not currently before the Board, but
22 when I impressed upon Covington & Burling and also
23 to Quinn, Emanuel that this is a very large sum for
24 a municipality, even of our size and our stature,
25 they were sympathetic. They were sympathetic, in

1 part, because they believed wholeheartedly in the
2 cause of the Town of Oyster Bay.

3 Part of their problem had been they
4 didn't what to drop the lawsuit or their defense of
5 Oyster Bay at any given time because a monthly bill
6 hadn't been paid, and so they continued to incur
7 greater expenses.

8 So what I did negotiate going forward
9 is a 15 percent discount on all bills that will
10 come before us, and I expect to be timely
11 submitting those bills to the Town for timely
12 payment, and each one will be analyzed very
13 carefully by me to make sure that all the work, not
14 only was done, but was necessary.

15 COUNCILWOMAN ALESIA: I do want to add
16 one other thing which I neglected to say. I wanted
17 to compliment you, Mr. Nocella, because I know it
18 can't have been easy to come in here and not have a
19 rapport with these firms and I think you did a good
20 job of negotiating. I didn't mean to give you an
21 impression that because we have a difference of
22 opinion on the retention of one particular firm, I
23 hope you know I appreciate your negotiating so
24 aggressively on our behalf, and I just wanted to
25 compliment you on that.

1 MR. NOCELLA: Thank you.

2 COUNCILMAN MACAGNONE: And I also want
3 to thank you for keeping the Board informed of your
4 actions on this case ongoing.

5 MR. NOCELLA: Thank you.

6 SUPERVISOR SALADINO: Mr. Nocella, just
7 to review, what percentage discount did we get on
8 the bill? You spoke about 15 percent going
9 forward.

10 MR. NOCELLA: We received almost 25
11 percent discount off of the outstanding sum, and 15
12 percent on all bills going forward.

13 SUPERVISOR SALADINO: And is it
14 possible that we could see an end to these suits so
15 that there would be virtually no more bills for
16 these particular suits?

17 MR. NOCELLA: There's no way to predict
18 with certainty. I hope and I did explain to them
19 that I'd like to have a greater direct involvement
20 in a lot of the matters and to the extent possible
21 -- our staff is very small right now, the Town
22 Attorney's staff, but to the extent possible that
23 we could take on in-house some of the burden, we
24 would be reducing the hourly rates that are charged
25 by outside counsel. They agreed to allow us to do

1 that to the extent possible, again, to mitigate the
2 bill.

3 SUPERVISOR SALADINO: As a former
4 federal prosecutor, do you have the skill sets and
5 the experience to embrace some of the
6 responsibilities that had previously been farmed
7 out?

8 MR. NOCELLA: Oh, definitely, and if I
9 may add, Supervisor, after leaving the U.S.
10 Attorney's office, I spent nearly ten years in
11 private practice at firms similar to Covington &
12 Burling, White & Case, and Dewey Ballentine.

13 Much of the work that I did there
14 involved sometimes internal investigations by the
15 Boards of Directors of Fortune 500 companies that
16 wanted an internal review of their own facilities
17 or their own operations, and much of it involved
18 representing major companies in response to
19 investigations by the Justice Department, by the
20 SEC, by the Federal Reserve Bank of New York, by
21 the New York State Attorney General's office and so
22 forth.

23 SUPERVISOR SALADINO: And one last
24 question.

25 In your experience, and in your

1 opinion, is the Town a victim in this situation?

2 MR. NOCELLA: In my opinion, there
3 isn't any shadow of a doubt that the Town has been
4 victim. As a matter of fact, I believe I've
5 discussed with some of the Councilmen and with
6 Councilwoman Alesia the fact that one of the
7 defenses, which I'm going to be discussing further
8 with Covington, that should be brought, is the
9 equivalent of selective prosecution.

10 We are not the only municipality that
11 tries to protect its elderly or its -- with new age
12 housing, its young people and tries to keep them in
13 the township, if that is their desire. And yet, we
14 seem to have been selected as a whipping boy by the
15 Obama Justice Department.

16 I don't know if selective prosecution
17 in the civil context would actually rise to a
18 viable defense, but in the criminal context, it is
19 most definitely a proper defense. When there is a
20 law on the books and 100,000 people are ignored but
21 one person is selected for prosecution, that is a
22 valid defense that the prosecution, that the
23 Justice Department has acted selectively. And it
24 just boggles by mind that these programs are
25 implemented throughout the United States by

1 municipalities just like Oyster Bay, yet we were
2 selected for this type of treatment.

3 SUPERVISOR SALADINO: Thank you for your
4 testimony.

5 MR. NOCELLA: Thank you.

6 SUPERVISOR SALADINO: Any more comments
7 on behalf of anyone else?

8 Any comments? We don't have any slips
9 on any of this?

10 MR. ALTADONNA: A Walk-On.

11 SUPERVISOR SALADINO: A Walk-On, okay.
12 Certainly, if there are any comments.

13 Yes, sir.

14 Would you like to step forward, please?

15 MR. BUDINICH: My name is Rick
16 Budinich. I'm from Hicksville; 61 Edward Avenue,
17 Hicksville, New York.

18 I just wanted to know the hourly rates
19 that they charged and what the hourly rates going
20 forward will be.

21 SUPERVISOR SALADINO: Mr. Nocella?

22 MR. NOCELLA: Yes, Mr. Supervisor.

23 I don't actually have the schedule.

24 It's a sliding scale. It depends upon the
25 seniority of the partners, down to the paralegals

1 in the office.

2 SUPERVISOR SALADINO: Can you give us a
3 range for information purposes?

4 MR. NOELLA: It would be very difficult
5 at this time, sir, but I will get that information
6 for the future.

7 SUPERVISOR SALADINO: Okay.

8 Yes, the gentleman juggling his hand
9 and holding his cell phone at the same time.

10 MR. FREIER: Hi. Bob Freier,
11 33 Chestnut Lane, Woodbury, New York.

12 First, just to comment on Councilwoman
13 Alesia's comment that she's not happy about using
14 this law firm, but didn't you, in fact, previously
15 vote to hire this law firm in the first place?

16 COUNCILWOMAN ALESIA: I'm entitled to
17 change my mind and change how I would vote in the
18 future.

19 MR. FREIER: Okay.

20 Secondly, which now -- wasn't there a
21 grant money associated with this housing
22 discrimination case that the Justice Department --
23 regarding the Justice Department bringing this
24 case -- to, you know, charging the Town?

25 MR. NOELLA: I don't want to speak to

1 that with certitude, with certainty, but I don't
2 think there is grant money -- was grant money. I
3 may be mistaken on that but, again, I began
4 negotiations with the bills -- on the bills almost
5 immediately upon resuming my duties as Town
6 Attorney, reviewing the case, reviewing what the
7 work that has been done, so I can't tell you
8 definitively that there were no grants involved,
9 but I don't recall in the review I have done to
10 date. It's not exhaustive, but I don't recall
11 having seen that.

12 MR. FREIER: Specifically, money from
13 the federal government, whether it be grants or --

14 MR. NOCELLA: Yes, I assumed you meant
15 federal grants.

16 MR. FREIER: That is not the nature --
17 that is not the gist of the lawsuit. The gist of
18 the lawsuit is that merely by having Golden Age
19 Housing to encourage your own residents to remain
20 in the Town of Oyster Bay, that you were somehow or
21 other discriminating against people because there
22 are a greater number of nonminorities who already
23 live there. That's the gist of the lawsuit. It
24 has very little to do with any federal grants.

25 MR. FREIER: Thank you.

1 Then, secondly, with regard to Quinn
2 Emanuel, that's obviously it's related to the
3 debacle that is still ongoing regarding Harendra
4 Singh and his company, and the deal that this Town
5 gave him, and you refer to a different
6 administration.

7 Maybe it was the former indicted
8 Supervisor and now you're the current appointed
9 Supervisor, but it is still everyone on this Board;
10 so the administration, with the exception of
11 Councilman Imbroto, so when you talk about a
12 different administration, it's really just from the
13 Supervisor perspective 'cause everyone on the Board
14 voted for what caused the Harendra Singh mishap to
15 happen.

16 SUPERVISOR SALADINO: I don't believe
17 that this firm represented us on that issue. I
18 don't believe this bill is representative of that.

19 MR. FREIER: Quinn Emanuel did.

20 MR. NOCELLA: Covington did not.

21 Quinn Emanuel did.

22 SUPERVISOR SALADINO: The Covington bill
23 did not.

24 Which is the larger of the two?

25 MR. NOCELLA: No.

1 Actually, Quinn Emanuel was the lesser
2 of the two.

3 SUPERVISOR SALADINO: Quinn Emanuel was
4 the lesser of the two, okay.

5 Thank you.

6 MR. FREIER: Quinn Emanuel is the
7 \$600,000 one, correct?

8 MR. NOCELLA: That is correct.

9 MR. FREIER: And that's, obviously,
10 still ongoing as well, so, but when you refer to
11 the previous administration, that is not exactly
12 accurate, just in the sense of being transparent.

13 SUPERVISOR SALADINO: Thank you for
14 your opinion.

15 MR. FREIER: Thank you.

16 SUPERVISOR SALADINO: Yes, Mr. McKenna.

17 MR. MCKENNA: Hi. Kevin McKenna again,
18 3 Edna Drive, Syosset.

19 Is there any way to get an idea what
20 the difference in the dollar amounts are from
21 Covington versus Quinn Emanuel, the total balance
22 roughly?

23 SUPERVISOR SALADINO: You're looking
24 for the total balances that we have negotiated?

25 Mr. Nocella, can you tell us those two

1 balances that have been negotiated down?

2 MR. NOCELLA: Yes.

3 It's contained in the Resolution. To
4 put it in a round sum, Covington was owed just shy
5 of \$1,000,000; exactly \$985,996.69. And we shaved
6 nearly a a quarter of a million dollars off of that
7 bill. The bill is now \$750,000.

8 The Quinn Emanuel bill was \$601,304.06
9 and the discount there of approximately 10 percent
10 saves us \$61,000 and resulted in the total amount
11 of \$539,871.79.

12 Plus, bear in mind, there are discounts
13 going forward because I have given them the
14 representation that these bills are not going to
15 accumulate in the future; that when the come on a
16 regular basis, they'll be reviewed by me and by my
17 staff, we will work with the law firms. We will
18 present them timely to the Town Board for approval.

19 And as a consequence, we will be
20 getting a discount.

21 COUNCILMAN MACAGNONE: And Mr. Nocella,
22 you also said that you're going to review, before
23 they get the work to try to cut whatever we can
24 down?

25 MR. NOCELLA: Yes, and to extent

1 possible, Councilman, to involve our staff.

2 MR. FREIER: Thank you.

3 MR. FREIER: Has anyone gone through --
4 you said that you're going to make sure that future
5 billings are accurate and so on and so forth -- has
6 anyone gone through the detail of how that added up
7 because I've been here in meetings as it related in
8 the past --

9 SUPERVISOR SALADINO: To answer your
10 question, is that the Town Attorney did say he went
11 through it with a fine tooth comb.

12 MR. FREIER: Well, as it relates to
13 Quinn Emanuel is really what I'm speaking of.

14 Having been here in many, many meetings
15 -- and I believe that there were a lot situations
16 where I believe that they got us deeper into the
17 problem, you know, as it related -- I remember
18 testimony, correct me if I'm wrong, any of the
19 Council Members that were here, but the big talk
20 about the background checks and everything else and
21 here they are leading us, leading us down a path to
22 believe that this guy Ravi Chopra is going to be
23 the save-all, he's going to pay the loans and all
24 that, and then that attorney who did that
25 presentation disappeared off the face of the earth

1 and we never found why the background checks didn't
2 pick up the fact that the guy was just a scammer in
3 my opinion.

4 And, lastly --

5 SUPERVISOR SALADINO: It's your time,
6 sir.

7 MR. FREIER: -- it sounds like
8 Mr. Nocella has been directly involved with the
9 negotiations to get down to the discount.

10 SUPERVISOR SALADINO: Excuse me. We
11 have a rule here that we are trying to abide by
12 all --

13 MR. FREIER: I would suggest that with
14 all of our capabilities, Mr. Supervisor, I think we
15 should play good guy/bad guy and tell them that
16 that's not enough discount and I guarantee you that
17 if you -- if someone else made the phone call, you
18 could probably get more money off, especially with
19 Quinn Emanuel.

20 SUPERVISOR SALADINO: We will continue
21 to do that.

22 Yes, ma'am?

23 MS. GOODWIN: Constance Goodwin, 5
24 Morgan Lane, Locust Valley.

25 I'm just curious, doesn't the Town of

1 Oyster Bay have an errors and omission policy for
2 anything like this for your employees? Couldn't
3 this be an errors and omissions insurance policy?

4 SUPERVISOR SALADINO: No.

5 Mr. Nocella?

6 MR. NOCELLA: We do have limited
7 insurance coverage under certain circumstances, and
8 there is an error and omissions policy in place.
9 We immediately notify when we are sued our
10 insurance carriers, and in some instances, they
11 disclaim coverage, so we would wind up in a dispute
12 with them over the insurance coverage itself. But
13 errors and omissions with respect to these two
14 lawsuits --

15 MS. GOODWIN: Not to the first or the
16 large lawsuit, but the one that is defending the
17 Town with Harendra Singh, isn't that the second
18 lawsuit?

19 MR. NOCELLA: Yes, ma'am.

20 MS. GOODWIN: So isn't everything that
21 the Board did, isn't there some sort of error in
22 that, and couldn't that be covered by insurance?

23 MR. NOCELLA: I'm limited on my ability
24 to comment because the matter is ongoing, but the
25 position, a position that I, myself, strongly

1 support and agree with as an attorney, having
2 reviewed it, is that there are almost certainly
3 likely errors and omissions by the Board in this
4 instance.

5 MS. GOODWIN: That was my question.

6 SUPERVISOR SALADINO: Thank you.

7 Mr. Ripp?

8 MR. RIPP: Hello. My name is Robert
9 Ripp. 77 Sunset Road again.

10 I just want to take the -- thank the
11 famous federal prosecutor, Mr. Nocella, for his
12 presentation. It seems like he was very well
13 prepared. It seems like some of you are very well
14 prepared, so I don't understand why you're
15 violating the Open Meetings Law, Section 103E, and
16 walking this on. If you know anything about it
17 within 25 minutes before the meeting, it's supposed
18 to be provided to the public before the meeting.

19 I don't think -- I think that this
20 subject is something that a lot of residents would
21 want to, would want to hear and speak about, and I
22 don't think it's fair that you claim to be honest,
23 open and transparent and you're walking this on and
24 you want to vote on it without -- without letting
25 anybody know what's going on.

1 I'd also like to express my opinion --

2 SUPERVISOR SALADINO: Actually, sir, we
3 have let people know what's going on.

4 MR. RIPP: This was a Walk-On, right?

5 SUPERVISOR SALADINO: You heard the
6 testimony of our Town Attorney who thoroughly dealt
7 with the subject that's very difficult. This is
8 lot of money. This is a lot of money.

9 MR. RIPP: And the law says that if
10 you're aware of this, you're supposed to --

11 SUPERVISOR SALADINO: Very seriously,
12 sir.

13 MR. RIPP: My time, my time.

14 Are you running my time?

15 SUPERVISOR SALADINO: You asked a
16 question.

17 MR. RIPP: No. I'm making a statement.
18 I didn't ask any question.

19 As a matter of fact, I have asked you
20 questions that you refuse to answer, but I'm making
21 a statement now. Okay.

22 It's also my opinion that Mr. Nocella
23 misrepresented his testimony here tonight. The
24 reason that the federal government is put on any
25 further litigation in this action is because

1 there's a conflict with the former corrupt
2 Mr. Venditto, with his testimony in the corruption
3 trial, and his depositions in this hearing. Okay.
4 That's why this is on hold. I don't know if you
5 think, if you have an opinion, if you're gonna
6 prevail, but I can tell you this, this former
7 federal prosecutor is way off base claiming that
8 this is selective prosecution.

9 SUPERVISOR SALADINO: Excuse me, sir.

10 MR. RIPP: Excuse me. I would like to
11 finish my statement. I still have time.

12 SUPERVISOR SALADINO: We must conduct
13 ourselves in a responsible and mature manner, and
14 throwing accusations --

15 MR. RIPP: I am. I'm not making
16 accusations.

17 I want to explain to you that I
18 personally attempted to use selective prosecution
19 as a defense when the Town of Oyster Bay had me in
20 court over my boat case because I said, oh,
21 Mr. Ippolito does the same thing, Mr. Jazowski does
22 the same thing, this guy does the same thing, and
23 you know what they told me? That doesn't wash.
24 This is not a selective prosecution thing. You can
25 vote on it. You can do what you want. Nobody can

1 make you do the right thing.

2 SUPERVISOR SALADINO: Thank you for
3 your opinion.

4 Is there another speaker on this
5 matter?

6 Will you please call the vote?

7 MR. ALTADONNA: Thank you, Supervisor.

8 On the vote, Supervisor Saladino?

9 SUPERVISOR SALADINO: We heard the
10 testimony. This is a very difficult issue. It is
11 a lot of money. None of us want to be spending
12 this money. This occurred years ago, long before I
13 was here, but you heard the testimony of what the
14 jeopardy to the Town would be if we didn't pay the
15 bill. Both lawsuit would ensue, and the Town would
16 end up spending far more money with the judgment
17 and a judge's decision, so a vote of "Aye" is the
18 only way in this difficult situation to save the
19 taxpayers considerable money and to get this very
20 difficult chapter behind us.

21 I vote "Aye."

22 MR. ALTADONNA: Thank you, Supervisor.

23 Councilman Muscarella?

24 COUNCILMAN MUSCARELLA:

25 MR. ALTADONNA: Councilman Macagnone?

1 COUNCILMAN MACAGNONE: Unfortunately, I
2 don't think that this will be behind us for quite
3 some time, but I vote "Aye."

4 MR. ALTADONNA: Councilman Coschignano
5 is absent.

6 Councilwoman Alesia?

7 COUNCILWOMAN ALESIA: I vote "Aye," but
8 I reiterate that in the future, I am not sure that
9 I want to continue with the same representation.

10 MR. ALTADONNA: Councilwoman Johnson is
11 absent.

12 Councilman Imbroto?

13 COUNCILMAN IMBROTO: Yeah.

14 In the interest of doing the right
15 thing, which is paying people when they do for work
16 for you, I vote "Aye."

17 MR. ALTADONNA: Thank you, Councilman.

18 Motion to adopt Walk-On Resolution No.
19 152-2017 passes with five "Ayes."

20 Supervisor, your calendar is complete.
21 Now, we have public comment.

22 SUPERVISOR SALADINO: Thank you.

23 MR. ALTADONNA: Supervisor, I'll make a
24 motion to adjourn the meeting.

25 COUNCILMAN MUSCARELLA: So moved.

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COUNCILMAN MACAGNONE: Second.

MR. ALTADONNA: All in favor?

ALL: "Aye."

MR. ALTADONNA: "Ayes" have it.

(TIME NOTED: 9:15 p.m.)